History, Memory and Politics in Central and Eastern Europe

Memory Games

Edited by Georges Mink and Laure Neumayer

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First published 2013 by
PALGRAVE MACMILLAN

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Palgrave Macmillan in the US is a division of St Martin's Press LLC, 175 Fifth Avenue, New York, NY 10010.

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ISBN 978–0–230–35433–3

This book is printed on paper suitable for recycling and made from fully managed and sustained forest sources. Logging, pulping and manufacturing processes are expected to conform to the environmental regulations of the country of origin.

A catalogue record for this book is available from the British Library.

A catalog record for this book is available from the Library of Congress.

10 9 8 7 6 5 4 3 2 1
22 21 20 19 18 17 16 15 14 13

Printed and bound in Great Britain by
CPI Antony Rowe, Chippenham and Eastbourne

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General Editor's Preface

This is the third world congress organized by the International Council for Central and East European Studies (ICCEES) that has the privilege of seeing congress volumes published by Palgrave Macmillan. That this is happening is an indication of the very fruitful relationship that ICCEES has with Palgrave Macmillan, and of the recognition that the field of Central and East European studies continues to enjoy not only academic excellence, but also continued pertinence as an area of study.

In their preface to earlier volumes from the 1995 Warsaw and the 2005 Berlin congresses, my two predecessors as general editor, Professor Ronald Hill of Trinity College Dublin and Roger E. Kanet of the University of Miami, outlined the historical conditions that not only brought about the creation of ICCEES, but above all demonstrated the importance of publishing the research that is presented at ICCEES congresses. All congresses (including the one in Tampere, Finland, in 2000) studied Central and Eastern Europe through the lens of various disciplines, and also mirrored the changes that were taking place in the area since Western scholars came together in Banff, Canada, in 1974 to organize the research they were engaged in but which lacked an organizational structure that could coordinate their results and offer an opportunity for debate and discussion. This is why the International Committee for Soviet and East European Studies (ICSEES) was created; today it is known as the International Council for Central and East European Studies (ICCEES). The change in name reflected not only the mutations that the area was undergoing, but also the field of study.

After 1989 the societies and states of Central and Eastern Europe began experiencing major political, economic and social change. As a result, no longer were Western scholars engaged in 'Communist studies' – rather they were focusing on an area that was undergoing redefinition as a geopolitical region. Domestic politics was in flux and interstate relations were experiencing a qualitative change that henceforth stressed cooperation rather than confrontation. ICCEES understood the need to give its congresses thematic direction. The 1990 ICCEES World Congress in Harrogate, UK, celebrated the end of the Cold War; the 1995 Warsaw congress focused on the democratic development of the former 'Communist states'; the 2000 congress in Tampere,

Finland, stressed the divergences, convergences and uncertainties in Central and Eastern Europe; the 2005 Berlin congress focused on the European Union; while the 2010 Stockholm congress examined the prospects for wider cooperation in Eurasia. This volume in the series reflects this last theme.

Putting together a volume that has thematic unity from the plethora of papers presented at a world congress is a major challenge. There was a time when it was sufficient to bring together high-quality papers and publish them as congress proceedings. The list of such publications, found on the ICCEES website, testifies to the vitality of research in the area. This is no longer the case; fortunately, many journals offer a publishing outlet for high-class single presentations. This volume presents more than just excellent individual research results; it offers an important scholarly perspective. It marks a major contribution.

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Contributors

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Introduction

Georges Mink and Laure Neumayer

The end of Communism served to renew debates on recent history in the former Soviet bloc, while historical conflicts that had been 'frozen' by the Cold War were reactivated in Western Europe in the 1990s. Memory issues are abundant in contemporary European societies and take many shapes; many are recent and some quite unprecedented. Four strong trends, none of which have yet been explored in depth in the social sciences, may be identified.

The first may be defined as 'intensive reconciliationism' and refers to international circulation of 'grammars' of reconciliation in the sense given to the concept of grammar by Luc Boltanski and Laurent Thévenot (1991, p. 93). It refers to a set of relations between former oppressors and victims that includes acts of crime confession, requests for pardon and official consent to pardon – a model illustrating how a past made up of violent acts and inimical relations can be settled peaceably after exit from an authoritarian regime. Circulation of reconciliation grammars is made possible by modern technologies and the opening up of what were once compartmentalized geopolitical spaces.[1] In an overall context of increased criminalization of groups and individuals responsible for violence and an increased tendency to handle those issues in courts of law, what we actually see developing are 'pardon policies' (Lefranc, 2004; Wigura, 2011) and 'apology diplomacy' (Sémelin, 2008) together with an increasing number of bilateral and multilateral historian commissions (Bazin, 2007; Lefranc, 2006).

This trend stands in direct contrast to a second process, wherein conflicted memory is reactivated and memory-related representations used politically either to stigmatize or discredit a political opponent or, more broadly, to reopen a historical 'case' in the hope of changing the verdict (Mink and Neumayer, 2007; Mink and Bonnard, 2010; Blaive et al.,

2011). An example here is the claims made during European Union (EU) enlargement in 2004 with regard to German populations expelled from Central and Eastern Europe in the aftermath of the Second World War.[2] The fact that expelled Germans or their descendants began publicly brandishing their memory, the strategy being to disconnect their situation from the defeat of the Nazi armies (a move that amounts to disconnecting the effects of the war from its causes), demonstrates that what from 1960 to 1990 seemed definitively stabilized power relations – stabilized by means of a moral or normative approach to the contested past – are in fact subject to context-determined fluctuation (Blaive and Mink, 2003; Neumayer, 2007a).

Third, in all European countries the numbers of legally and normatively framed 'memory policies' are increasing. These policies do not aim to improve bilateral relations or foster European integration, but rather seek to mobilize the electorate of a given party or coalition around what may be described as symbolic yet bellicose identity demands – demands put forward in internal political arenas but also addressed to the world at large. This 'net' of laws is particularly tight-woven in France (Andrieu et al., 2006; Nora and Chandernagor, 2008; Gensburger, 2010; Michel, 2010), where 'competition among victims' is said to have led to 'memory wars' (Chaumont, 1997; Blanchard and Veyrat-Masson, 2008; Lefranc and Mathieu, 2009). But the phenomenon is hardly restricted to French society. Those who govern are often yielding to the temptation to 'use the dead to govern the living' in modern societies (Mink, 2010). For example, Poland's Law and Justice-led government, which was in power from 2005 to 2007, forged the concept of 'history policy' to justify state intervention in the interpretation of historical facts, while in 2009 the president of the Russian Federation, declaring history to be an attribute of national 'sovereignty', set up a 'Presidential Commission to Counter Attempts to Falsify History to the Detriment of Russia's Interests' for the purpose of countering symbolic initiatives to establish an official equivalence between Stalinism and Nazism.[3]

The fourth and last development amounts to extracting or shifting 'memory games' from the national framework to extra-national arenas, in an attempt to combine various political resources for partisan competitions by making use of new international norms and the normative conditionality developed by the EU and the Council of Europe (Mink, 2005, 2007; Neumayer, 2007a). The end of the Cold War radically changed the way EU authorities handle history and redefined the economy of constraints and resources available to them in this area. In the 1950s and 1970s, respectively, the Council of Europe and the European

Community began implementing a set of policies aimed at rendering explicit or bolstering a supposed 'European identity'. Reasoning by analogy with nation-state formation, those authorities considered the past a particularly valuable resource for the collective identification processes that are crucial to the constitution of a political community and the legitimizing of a supranational system of government (Shore, 2000; Stråth, 2002; Déloye, 2006; Geremek and Picht, 2007; Garcia, 2009). However, the end of the East–West confrontation and the reassessments of the past in the former Eastern bloc changed the meaning of transnational memory policies: the point was not only to bring to the fore a shared history and values, but also to find ways to meet the many demands for recognition and reparation of past crimes and injustices.

Three consecutive 'memory regimes' have been identified as being operative in post-1945 Western Europe, which have to be briefly presented here in order to understand the recent resurgence of memory issues.[4] Immediately after the war and up to the 1970s, the dominant understanding was that the Germans alone were guilty of the atrocities committed during the Second World War, the corollary of this being the myth of resistance and the uncontested 'victim' status of Nazi-occupied countries. In the 1970s, what came to the fore was the memory of the Holocaust as a symbol of the barbarity against which European unity had to be strengthened (Judt, 2002). More complex analyses have identified the difficulties that EU authorities were encountering in their attempt to produce a 'narrative of origins' capable of functioning as a viable alternative to the 'national narratives' they were helping to deconstruct. According to some authors, the fragile foundations of the European political community mean that it is forced to oscillate between a short-term vision of history based on an enchanted narrative of the continental stability ensured by post-1945 interstate cooperation and commemorations of a grim past dominated by the Holocaust and conflict among nations (Rosoux, 2007; Rousso, 2009). The third phase began after the Cold War, when competing memory regimes originating in Eastern Europe began calling into question the afore-cited official representations of the past, producing a kind of 'memory gap' that can be seen at three levels. First, there are the vast 'blanks' in Western European memory: thoroughgoing ignorance of at least some of the crimes committed in areas under Communist control, population expulsions and post-war border shifts, and extremely violent episodes of the Second World War that occurred in the East. Second, in certain Eastern European memories the massive repressions of the Stalinist period have

a comparable (if not equivalent) status to the Holocaust, and this calls into question the Western postulate of the exceptional nature of the Nazis' extermination of the Jews. Last, there are sharply contrasting representations of the symbolic date of 1945: for Western Europeans it marked the return to democracy and prosperity, whereas in the East it is likely to mark 'the shift from one occupation to another' (Judt, 2005; Droit, 2007; Maurel and Mayer, 2008; Mink, 2008; Rousso, 2009; Traverso, 2009; Pakier and Stråth, 2010; Blaive et al., 2011).

Despite (or perhaps because of) the EU's routine policy of encouraging reconciliation acts and arrangements (Neumayer, 2007b), Europe now encompasses memory issues that do not rotate around the 'axis' of Germany, though those issues are still dominant.[5] The space of memory has not yet been stabilized in post-Communist Europe, and its fault lines constitute memory veins that offer multiple resources. In no post-Communist country today is there consensus on definitively closing the 'file' of the Communist past. On the contrary, the impression is that the importance of that past for political life is growing with time precisely because its moral and socio-political consequences have not really been checked, resolved or overcome (Mayer, 2003; Lavabre and Mayer; 2006; Wahnich et al., 2008; Combe, 2009).

Memory of the pre-Communist past is appealed to primarily through opposition to Communism (patriotic acts and anti-Communist resistance). Since 1989 the general tendency has been to check the pasts of zealous regime agents so as to remove anyone responsible for state crimes from positions of power, and to 'de-communize' institutional structures while teaching the ill deeds of Communism to the new generations. Policies are applied in various ways. On the institutional side, there are lustration laws for people and de-communization laws for structures. The effects of these laws are reinforced by public socialization and information policies and by the creation of archives for managing documents produced by repressive apparatuses of Communist regimes. At the level of social relations, there are citizen interactions (victim associations), unregulated actions (organized leaks of lists of persons who collaborated with the political police), expert communities and their scientific studies, and interference in the historical field from journalist, judge and MP 'intruders'.

The aim of this volume is to explore the 'memory games' that generate such public policies around and political uses of memory. The concept of memory games encompasses the various ways by which political and social actors perceive and relate to certain historical events,

according to the identities they construct, the interests they defend and the strategies they devise to define, maintain or improve their position in society. It builds on a dynamic conception of memory, focused on its construction and evolutions in a given society, at a particular point in time. Talking about memory games allows us to move beyond factual or normative analyses of how Central and Eastern European countries 'come to terms with their past', in order to focus on the many political and social processes that determine the chronology and characteristics of memory-related policies and politics. In contrast to a narrow understanding of 'transitional justice', where the priority is to analyze the preferences and tactics of a small circle of political and administrative elites, this book situates conflicts around painful histories within the 'ordinary' operating of post-Communist societies, concentrating on games played by institutional actors (parties, elected officials, governments), mobilized social groups (former prisoners, groups making pilgrimages to battlefields or martyrdom sites, immigrants) and professional groups (historians and archivists, journalists).

Though the concepts 'history' and 'memory' should be distinguished from each other analytically, it is also important not to set up an opposition between the two as is commonly done. While history is a matter of science and memory of experience, memory-generated representations and historical studies do influence each other; memory understood as a set of representations of what seems to have occurred does affect academic accounts of what occurred – as scrupulous historians working to produce accounts that comply with pre-established, corporation-shared rules are the first to acknowledge (Blanchard and Veyrat-Masson, 2008, p. 27). Accordingly, all the chapters in this book share an extensive definition of memory as encompassing present political uses of history and the development of collective forms of remembering the past.

Existing literature on ties between memory of the past and political and social developments in post-Communist Europe has outlined a set of research avenues that this book purports to pursue – in two directions. First, some of that literature downplays the variety of actors who have appeared in the memory 'field'. Above all, it understates their clear connections to partisan politics. By way of contrast, this book examines individuals and groups who have chosen to engage in political contests and use the symbolic past to confront their political competitors. Second, most studies of memory games in post-Communist Europe adopt a national analytic framework, the assumption being that the EU is merely the environment of fundamentally endogenous processes. A few studies

take into account the bilateral dimension of some memory policies, pointing out the impact of conflicts about the past on post-Communist states' foreign policy (Müller, 2002; Eder and Spohn, 2005; Onken, 2007; Kattago 2009). Other analyses focus on the way Central European government actors have complied – either willingly or under constraint – with EU or Council of Europe injunctions in a context of normative conditionality favorable to eastward exportation of Western memory regimes (Bonnard and Meckl, 2007; Droit, 2007; Mälksoo, 2009; Mink, 2010; Neumayer, 2010; Perchoc, 2010). Building on those ideas, this book tries to account for how memory issues get torn out of their national frameworks and exploited in several arenas, internal and external, to increase their political resource yield. The chapters by Fainberg, Bonnard, Perchoc and Neumayer analyze in detail how reconciliation norms get circulated internationally by way of European organizations and non-governmental organizations. The geopolitical dimension of post-Communist 'wounded memories' and 'reconciliation policies' is therefore a central concern of the research presented here.

In the new geopolitical framework that emerged in post-Cold War Europe, opportunities and constraints have come into being that brought social memory issues to the fore and enabled the actors using them to be favorably heard. Moves to internationalize memory issues in European arenas, meanwhile, highlight the limits of paradigms aiming to explain purely national situations. Three paradigms, linked in turn to the three disciplines of sociology, philosophy and history, have dominated the study of memory in social sciences.[6]

The first belongs to sociological tradition. Maurice Halbwachs' ideas on 'social frames' of memory and the production thereof (1994 [1925], 1997 [1950]) – that is, transmission of the memory tie and construction of collective social memory – were later critically refined by Roger Bastide (1960). The key concepts here are 'collective memory', group memory and the social frames of memory. The primary concern is to identify the social conditions that allow for developing and transmitting memory representations that will create group cohesion. The second paradigm is Paul Ricoeur's normative paradigm, which emphasizes the work of memory (obliteration, overvaluing, labor), infers good and bad uses of memory, and opposes the bad ones. This approach distinguishes between 'clinical and . . . therapeutic categories borrowed principally from psychoanalysis' and 'forms of the manipulation or instrumentalization of memory'. Ricoeur calls the latter 'abuses of memory' (blocked memory and forced memory) and 'forgetting' (omission, negligence and blindness) (Ricoeur, 2000, p. 69). Above all, there is a

third dimension that the author defines as 'explicitly ethico-political', the only one he approves of: the 'duty of memory' (Ricoeur, 2000, p. 69). The third paradigm is used in the discipline of history and was diffused with great success by Pierre Nora by way of the ground-breaking collective work he edited, *Les lieux de mémoire* (1984 [translated into English as *Realms of Memory*, 1997]). This paradigm relates to places or 'realms' that people identify with and around which memory references develop.

There are still strong proponents of all three of these paradigms, and all have elicited further developments: Marie-Claire Lavabre's renowned work (1996) is in line with Halbwachs' thought; Tzvetan Todorov (2004) has worked in the tradition of Ricoeur, while Etienne François and Hagen Schultze (2007) have used the '*lieux de mémoire*' notion in a way similar to Nora's.[7]

However, a great number of memory phenomena cannot be explained by any of these paradigms because they (the paradigms) are caught in the 'national framework' impasse. Our purpose is to apply a new, multidisciplinary approach that will enrich existing perspectives of political sociology of memory. We suggest combining traditional political science concerns (contentious politics, uses of various resources in political competitions) with, on the one hand, a sociological perspective to international relations focused on actors' games and empirical configurations of multi-level policy-making and, on the other, a cognitive approach to public policy encompassing the emergence of new 'referentials', that is, cognitive and normative frames that guide actors' behavior (Muller, 2005). The thinking here is fueled by three alternative concepts – 'historicizing strategies'; 'reactive memory'; and memory 'veins' or 'seams' – previously developed and presented by Georges Mink in his introductions to collective works (Mink, 2007, 2010). We believe that these concepts are more useful for understanding the dynamics of today's memory games. Their relevance will be demonstrated in the following presentation by references to recent developments in the 'Katyń affair'.

The concept of 'historicizing strategies' – that is, strategies for historicizing conflict-generating heritages – is used in several chapters of this book, particularly those by Jouhanneau, Rousselet, Fainberg, Matonyte, Zhurzhenko, Raimundo and Mink, to understand the behavior of actors implicated in memory games. The aim of such strategies may be to produce consensus and therefore pacified social relations or, on the contrary, to reopen certain aspects of a repressed history, in which case the desired effect is distinction, symbolic recognition and/or integration into national narratives. It may also be to escape responsibility for

crimes by 'erasing the traces of a criminal past' (Mink, 2007). This is a variant of symbolic politics: the underlying conviction is that certain representations of historical facts, internalized through formal or informal socialization (schooling, family), have the collective mobilization potential to enable the group making strategic use of them to obtain the political influence it desires.

History as fact established by scholars has always been used to legitimize or delegitimize. However, a recent wave of memory-centered social movements – sometimes qualified as 'revisionist' and always involving a 'revisiting' of the knowledge acquired by historical science – call into question the established legitimacy of certain memory representations, namely representations pertaining to the Second World War. This is due to a number of factors, including the end of the great ideological systems that allowed for the clear, seemingly immutable identification of victims and persecutors, winners and losers, and the twofold temptation to equalize the victims on both sides and develop new historical categories and rankings. Moves to rewrite history are closely linked to subsequent generations' arrival on the scene and what is known as the 'archives revolution' (Werth, 1993): the opening of archives in post-Communist Europe (some without official consent or regulation) and more generally, the new availability of archive material as prescribed inaccessibility periods come to an end.

However, we need to go beyond the discipline of history if we wish to make sense of the remarkable increase in historicizing discourse. Historians have expressed amazement at the fragility of their field and recent incursions into their professional monopoly (Hartog and Revel, 2003) when what this new situation requires above all is the analytic insight of political scientists and sociologists. Behind the prolific talk about history – that is, an account constructed in compliance with a number of pre-established rules ideally shared by all members of the historian corporation – the real issues are the uses of historical representations and the new actors who develop and practice those uses. The idea of a past that returns – the belated return to certain painful pasts thought to have been 'obliterated' – raises more questions for a political specialist than a historian, as shown by the example of France's supposed 'forgetting' of Vichy for several decades after 1945. As Annie Collovald explains, 'this episode of French political history has always been present in the social uses of various actors – historians and politicians – with an interest in how it was interpreted, because from the outset it constituted an intellectual and practical resource for defining their position and supporting their readings of national history' (Collovald, 2006). This seems

an obvious point, and we may ask if it is not due to the fact that forgetting, too, is a strategy, whether conscious or not (Robin, 2002) – as is pointing a finger at certain actors for having tried to efface historical facts from social memory. The fact is that memory material that has been 'forced into silence' continues to be part of actors' games even if, in the current situation, the only places it can survive are memory niches cultivated by particular, minority actors. Those forced to forget and those who force others to forget keep memory games going by using the constraint of silence to create a new space of interaction opportunities.

The history of the effects of the Katyń massacre offers a vivid example.[8] The events were forced into oblivion by the lack of a memory site: Katyń was inaccessible almost until the end of the Soviet Union and the men killed there were excluded from official tributes to victims of the Second World War. This 'obliteration' strategy was thwarted by semi-underground remembrance actions carried out by the Poles under the very nose of the Communist authorities. Sizeable candle-lit gatherings on All Saints' Day around a symbolic grave for Katyń massacre victims in Warsaw's Powązki cemetery amounted to a kind of guerilla battle between Warsaw inhabitants and the Communist police throughout the 1980s. Several examples show that on the side of the victims and their descendants nothing has been forgotten. On the contrary, the rule is memory recuperation followed by action.

To fuel memory games and the development of institutional arrangements for handling post-conflict periods – all of which produce complex actor networks – actors are increasingly likely to use representations of the past, especially if there is disagreement about that past. This, of course, raises the question of how profitable such strategic choices are, but profitability is hard to measure because actors choose empirically as a function of the profit and rewards they think they can obtain. Their moves are aimed to procure them a better political position or an election victory, designate and stigmatize an enemy, strengthen client relations, consolidate identity, and so on. Their choices will necessarily correspond to immediate contexts that increase the probability of their reaching those goals. This is therefore a sort of economy of memory governed by the law of supply and demand, an economy where inflationary use of memory representations can actually 'backfire', reducing or indeed nullifying the sought-after 'added value'. How operational a historicizing strategy is depends on the 'resonance' it has for the memory of the targeted public.

This leads to our second concept: 'reactive memory'. The underlying argument of this book is that the distinction widely accepted in

sociology between historical and 'live' memory (Lavabre, 1994) is not sufficient. What we investigate here is reactive memory, in the sense that actors who promote historicizing strategies mean to achieve political effects by recycling profitable memory material (profitable in that it is emotionally charged and socially inculcated) in reaction to uncertain or conditional situations. What is interesting in collective memory defined as the 'point of intersection between a set of representations of the past shared by individuals (memories and acquired knowledge) and seemingly definitive accounts of history – that is, historical memory (as distinct from the science of history)' (Lavabre, 1994) is precisely that it can be reactivated and invested with current issues. This means that the past only counts if it is in some way relevant to the strategies of present-day actors. Here we encounter the typology recently applied in international relations studies (Rosoux, 2001), with its distinction between the 'weight of the past' – the past that people were subjected to – and the 'choice of a past': the past used for political ends. This is a useful distinction, but it loses its effect when we recall that the reason people choose to focus on certain components of the past is precisely that they weigh so heavily. People choose a certain past in order to use it and to profit by doing so.

A return to the Katyń affair is instructive here. The airplane that crashed on 10 April 2010, killing the Polish president Lech Kaczyński, was on its way to Katyń.[9] Several signs held up later at public meetings of the Kaczyński brothers' political party dared establish a connection between the two events, calling them 'Katyń 1' and 'Katyń 2', as if the very mention of the place-name should reopen a 'wound in memory'. The Katyń massacre, together with the Soviets' lie about it and Soviet efforts to erase the facts, symbolizes successive layers of Polish–Russian historical conflict and lends itself to virtually continuous exploitation by way of historicizing strategies, be they aimed at reconciliation or division. At the time that painful bilateral Polish–Russian past was caught up in a complex diplomatic context, since the Russians had already begun sending positive reconciliation signs when the plane crashed. The fact is that reconciliation between the two countries would deprive the Russophobic segment of the Polish elite of their role as 'doorkeeper' to the EU, and this in turn increases the 'yield' on referring to a dual case of Polish martyrdom. Abusively relating the two events, which are of quite different natures yet occurred in the same place – and in 'enemy' territory – is a way of playing on a certain type of sentiment, precisely the type of emotional 'fire' that historicizing strategies seek to stoke.

This example shows that analysis of memory issues in post-Communist Europe requires a third conceptual perspective, and that perspective is taken in several chapters, particularly those by Rousselet, Fisli and Parot, Fainberg, Kasperski and Zhurzhenko. Reactive memory is fueled by a particular type of memory 'realm', what we call memory mines, veins, seams – that is, stocks of memory representations that can be exploited in social and political games. Europe is rife with '*lieux de mémoire*' (Nora, 1984; Brossat et al., 1990; François and Schultze, 2001, 2007; Nivat, 2007). According to Nora, these are places that enable feelings of identity and identification to crystallize. But they can also be reactivated for purposes of distinction. Reactivation proceeds either by dividing – that is, reopening 'wounds' in the name of a need for distinction – or, on the contrary, preventing division by applying a vigorous therapy of reconciliation and pardon. In both cases fossilized, fixed places of memory become live resource reservoirs, points of departure for new historicizing strategies whose purpose is to modify social reality and the settings in which those initiatives are staged. Because these 'places' are in fact dynamic, it might be preferable to speak of 'veins' or 'seams of memory', a concept not inconsistent with that of *lieux de mémoire*. The terms designate a symbol around which memory can rally, rather than a specific physical site. In the Polish–Ukrainian conflict of the 1940s there is Volhynia (a region where Poles were massacred) and the 'Vistula action', a synonym for the massacre and displacement of Ukrainians by Poles (as analyzed by Fainberg and Zhurzhenko in this volume). Germans and Poles have their eyes trained on Silesia and Pomerania; Czechs and Germans on the Sudeten area; Poles on Katyń. However, legal documents such as the Beneš or Bierut decrees, which provided the legal bases for population transfers at the end of the Second World War, or the Trianon Treaty that dramatically reduced the size of the Hungarian territory (see Neumayer's chapter in this volume), can also be rallying points for memory. For rightist parties in post-Communist democracies, the 'roundtable talks' at the close of the Communist period are an inexhaustible vein of dissensus resources, despite the fact that they are attached to no particular geographical site. The Molotov–Ribbentrop Pact also functions as a reservoir of useful references for anti-Soviet actors, as is shown by Perchoc and Bonnard in this volume. Various actors draw the symbolic material needed to fuel political contests from just such 'territorial or extra-territorial imaginaries'.

The end of Communism in Europe and, to an even greater extent, the successive Council of Europe and EU enlargements to include former

Communist countries reactivated multiple memory veins. Exploiting them – either for the first time or once again – became profitable. Central and Eastern European countries' exit from Soviet-type regimes changed the European memory 'referential', in the sense that two occasionally concomitant context resources worked to intensify memory issues and historicizing strategies. First, the principle of conditionality embedded in the EU's enlargement policy was used as a resource for producing a hegemonic historical narrative. New 'dominator/dominated' configurations emerged in conjunction with mobilizations around contested representations of the past, as is shown in the chapters by Perchoc, Bonnard and Neumayer. Moreover, the clash between the EU on the one hand, with its normative reconciliation principle and temptation to force memory to 'unite' around the uniqueness of the Holocaust as an integral part of the '*acquis communautaire*', and the new member states that emerged from the collapse of the Eastern bloc on the other, with their determination to get the experience of Soviet totalitarianism incorporated into the foundations of European historical legitimacy, constitutes a geopolitical asymmetry that in turn facilitates the pursuit of memory games through demands for memory 'readjustments' and reparations.

A crucial example here is the 'betrayal at Yalta' as the symbol of Western Europe's abandonment of Eastern Europe to Soviet occupation. The betrayal at Yalta is part of Eastern European reactive memory, and recycling it has appeared profitable to Central European politicians (Mink, 2008). This memory game extends beyond a hunt for electoral gains and the effects of internal political competitions. It is 'part of the broader context of Eastern Europe's demand for recognition of its history . . . . To many politicians and specific populations, European history seems to have been written in Western Europe, and Western Europeans seem to deliberately ignore the sufferings caused during World War II by events that those same Western Europeans know virtually nothing about' (Mink and Neumayer, 2009, p. 86). Partisans of dogmatic 'history policy' have gone still further, mobilizing the argument of the West's 'debt' to the East and emphasizing the seeming opposition between today's 'norms' and historical 'values', with the clear intention of making the West feel guilty. During the period that these countries were negotiating their entry into the EU, the 'historical debt' argument was used in full to put maximum pressure on the EU (Neumayer, 2006).

The historicizing game of appropriating the victory against the Nazis (see, for example, the disagreement on what date marks the end of the Second World War: 8 May for Western Europeans, 9 May for the Russians) played at the 60th anniversary commemoration ceremonies

also shows how this anniversary remains a legitimization card in geopolitical competitions and can be used to stimulate identity reflexes – 'Great Russia' or anti-Russian depending on the country. In this case, East–West memory asymmetry actually undermines political party solidarity in European arenas, as was seen in conjunction with the 'Yalta resolution' drafted to commemorate the end of the war in 2005. President of the European Parliament's socialist group Martin Schulz and his Estonian socialist comrade Toomas Ilves had a heated exchange on this point, Schulz recalling that 'the Red Army made it possible to defeat Nazism and end the Shoah', while Ilves lamented the existence of 'two visions of history': 'Westerners did not suffer as we did behind the Iron Curtain.'[10]

The controversy around the equivalence between Communism and Nazism – recognition that would justify the demand by many Central European political officials that the Communist regime be officially defined in the same terms as the Nazi regime with all the legal consequences this would entail – offers yet another illustration of the complexity of demands for memory 'readjustment'. Since the early 1990s, having recourse to EU normative authorities has had the effect of internationalizing the cause of de-communization, the aim being to prevent local excesses by applying a set of legal rights universalized by international conventions. It should be recalled that after 1989, each country pieced together its own legislation for excluding cadres of the former regime from its institutions and punishing persons responsible for 'crimes committed in the name of that regime'. As early as 1992, leftist (in many cases Communist) members of the Parliamentary Assembly of the Council of Europe (PACE) decided to retaliate by neutralizing procedures for disqualifying collaborators of Central and Eastern Europe's Communist regimes. This in turn meant that historicizing strategies connected with the criminalization of the Communist past had to play on two fields: national and international. The period was one of competition among victims and a race to get painful pasts legally recognized and perpetrators punished.

The many later resurgences of this issue in both the EU parliament and PACE show how persistent memory asymmetry allows for the pursuit of pressure strategies at the international scale. Indeed, the unity around memory policy postulated in all EU and Council of Europe documents is vulnerable to partisan splits inside European assemblies. Furthermore, the various parliamentary resolutions have not fully exhausted the memory vein of condemnation of the Communist past, because their exclusively declarative nature means there have been

no practical consequences to the official equating of the two totalitarian systems. This means that application laws can only be national and no universal or EU condemnation can be invoked to criminalize symbols of Communism. In fact, partisans of the equivalence assertion need a universally agreed, normative condemnation of Communism that they could align with the official condemnation of Nazism, whereas their adversaries are seeking at all costs to make Communism a purely national issue and thereby disconnect the two scales (Mink, 2010).

This collection of case studies purports to improve our understanding of the recent proliferation of memory games in post-Communist Europe by highlighting two interrelated factors: the growing importance of non-state actors in memory games (alongside state bodies and politicians) and the variety of resources available to them despite domestic and external constraints that may restrict their use; the multiplication of arenas for engaging in remembrance politics and devising memory policies, arenas where demands for material or symbolic compensation are made in accordance with norms produced by European organizations.

The volume is divided into three parts. Part I focuses on the role of new domestic political and social actors in memory games. Two chapters show how a variety of social groups involved in discussions about the past in specific national settings – the Bosnian former camp inmates studied by Jouhanneau and the Russian Orthodox Church analyzed by Rousselet – try to elaborate and impose memory norms on society. The remaining three chapters – Venken's on the war memory of Soviet immigrants who settled in Belgium after the Second World War, Fisli and Parot's on the pilgrimages to Second World War memorials in post-Soviet Russia, and Fainberg's on the memorialization of the Holocaust in Ukraine – explore memory-related practices that challenge traditional narratives about the past both because they touch upon topics hitherto ignored by state bodies and because what they have to say is not in line with the content of those narratives.

Although state actors are no longer the only players in memory games, they still play a crucial role and cannot be completely disregarded. Part II focuses on how political and administrative elites deal or fail to deal with the past. The chapters by Matonyte (on Lithuania) and Raimundo (on Spain and Poland) highlight the internal diversity of elite conceptions of the former authoritarian regime, while Kasperski explores how a one-sided official historical narrative was imposed in Belarus. In the last chapter, Mink examines archivists and historians working for National Memory Institutes in Central European countries

in order to illustrate the complex interplay between state bodies and some professional groups involved in memory issues.

The case studies in Part III handle 'geopolitics of memory', illustrating the multi-level nature of contemporary memory games. Zhurzhenko's study of Polish–Ukrainian border regions provides rare insights into memory policies at the local level. The last four chapters analyze memory games at the transnational level, with three top-down studies of the production and uses of international norms – Bonnard's and Neumayer's respective examinations of European standards for the protection of ethnic diversity and national minorities, Mouralis's study of reunified Germany's belated acceptance of international criminal law – and the bottom-up analysis by Perchoc of how the Baltic states use history to justify their foreign policy goals.

History readily sits itself down at the table of the present in Eastern and Central Europe, as attested by the current mobilizations of actors, victim populations and despoiled groups who were forgotten in post-conflict arrangements or forced into silence. Paul Valéry wrote that

> history is the most dangerous product evolved from the chemistry of the intellect. Its properties are well known. It causes dreams, it intoxicates whole peoples, gives them false memories, quickens their reflexes, keeps their old wounds open, torments them in their repose, leads them into delusions either of grandeur or persecution, and makes nations bitter, arrogant, insufferable and vain.
>
> (Valéry, 1931, p. 43)

This volume tries precisely to explain why the 'old wounds' of the Second World War and of Communism are kept open, 20 years after the fall of the Soviet bloc.

Notes

1. The point here is to adapt the notion of 'grammar' so it can be used as a political construction that will endow the action of 'beings and relations engaged in market ties' with general meaning (Lefranc, 2006). Sandrine Lefranc was the first to apply the concept to Truth and Reconciliation Commissions. The notion refers to a language-like system of operating rules and rules governing relations between the set of actors implicated in reconciliation, as well as a whole range of representations (Lefranc, 2007).
2. Ten to 12 million Germans were expelled from the Sudeten area, Eastern Poland and Silesia, what was then East Prussia, Danzig, a large part of Pomerania, part of the Neumark, as well as from Slovakia, Hungary and Yugoslavia.

3. That same year, 2009, the European Parliament ruled that 23 August would henceforth be European Day of Remembrance for the Victims of Stalinism and Nazism.
4. We are using Johann Michel's definition of 'memory regime' as 'the stabilized configuration of official public memory during a given historical period. A memory regime resembles a cognitive framework; that is, a matrix of perceptions and representations of official public memory at a given period' (Michel, 2010, p. 16).
5. The centrality of the Holocaust in (Western-) European memory explains why (European) memory studies have been dominated by the German case. This volume attempts to go further than the existing literature on the memory of the Holocaust, which has already been abundantly analyzed (for recent works on this issue, see for instance Pakier and Stråth (2010); Blaive et al. (2011)). Our goal was precisely to present innovative research on lesser-known issues that underlines the wide range of hitherto 'silent', censured or inaudible requests for recognition of wounded histories.
6. We have limited ourselves here to paradigms developed by French authors. There is a kind of 'French touch' to memory studies, and French thinkers' contributions in this area are extensively used in the specialized literature.
7. Paul Ricoeur's typology has even been applied in international relations, where a classification of former belligerents' uses of the past has been developed based on his triptych of obliteration, overvaluing and labor (Rosoux, 2001). The analysis is, however, limited to bilateral relations and the generation that actually engaged in combat.
8. The forest around Katyń (in Russia) where the NKVD, on orders from Stalin and the CPSU Politburo, killed approximately 4500 Polish army reserve officers in 1940 is the symbol of massacres of Polish elites perpetrated by the Soviet Union. In reality many more victims were put to death on several sites. Several thousand Polish POWs belonging to the country's military elite were assassinated as they were transferred from the military camps of Kozielsk, Starobielsk and Ostashov and from various Soviet prisons.
9. The plane that crashed trying to land at the Smolensk military airport was carrying 96 persons highly representative of the Polish elite. In addition to the president and his wife, there were the four highest-ranking army officers and a number of important MPs, not to mention descendants of officers murdered in 1940 in the forest of Katyń. All were in fact traveling to Katyń to participate in a ceremony commemorating the 70th anniversary of the massacre.
10. Rafaële Rivais, '8 mai 1945: la "résolution Yalta" oppose les eurodéputés de l'Est et de l'Ouest', *Le Monde*, 6 May 2005.

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Part I

Mobilizations around Memory: New Actors, New Issues

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1

Would-be Guardians of Memory: An Association of Camp Inmates of the 1992–95 Bosnian War under Ethnographic Scrutiny

Cécile Jouhanneau

> Varieties of both constructionists and deconstructionists emphasize that the past is produced in the present and is thus malleable. (...) Within presentism, however, it is possible to emphasize either instrumental or meaning dimensions of memory: the former see memory entrepreneurship as a manipulation of the past for particular purposes where the latter see selective memory as an inevitable consequence of the fact that we interpret the world – including the past – on the basis of our own experience and within cultural frameworks.
>
> (Olick and Robbins, 1998, p. 128)

In the fall of 2010 a public debate arose on Bosnian war victims' spokespersons.[1] It was sparked by what some remember as the 'Angelina case'. Hollywood actress and United Nations High Commissioner for Refugees Ambassador Angelina Jolie was about to shoot her first movie on the Bosnian war. The press caught wind of the fact that it would be a wartime love story between a Bosnian Muslim woman detained in a rape camp and one of the Serb camp guards. Soon enough, the spokesperson of an association of women victims of wartime rape, Bakira Hasečić, expressed her outrage with the idea that Angelina Jolie might portray 'a victim in a rape camp falling in love with her rapist. That's not only impossible,' she said, 'but the idea is insulting' (Meikle, 2010). She subsequently tried and succeeded in having the film permit withdrawn. In some of the independent Sarajevo media, this move stirred up strong criticism against Bakira Hasečić. A journalist from Sarajevo weekly *Dani* harshly criticized the association leader on three main grounds: first,

according to her, Bakira Hasečić had turned her activism as a victim into a professional 'business'; second, she was exploiting the victims for her own interest and for political manipulation; and third, she was claiming an exclusive right over the interpretation of the victims' memories of war rape.[2]

This vignette is part of a larger debate on Bosnian war victims' associations. In the wake of the 1992–95 Bosnian conflict, several war-related organizations have been formed or reactivated. Today, associations of families of missing persons, victims of war rape and former camp detainees are a frequent feature of media and political discourse in Bosnia and Herzegovina. More often than not, they are presented either as respectable figures providing a moral compass, or as strategic, cynical actors – as in the vignette described above. A dichotomy tends to be made in public discourse between ordinary victims in a quest for justice versus associations' spokespersons using their victim status to pursue their self-interests. Moreover, associations' spokespersons are said to impose a certain interpretation of their wartime experience onto the very victims' memories, and into the public sphere. Such a 'manipulation' of the victims is considered to be part of post-war politicking. However, even though war victims' associations are omnipresent in media and public discourse in Bosnia and Herzegovina, they have attracted limited academic attention, except for a few noteworthy pieces of research.[3] A lot has yet to be written on the relationships between associations' spokespersons, members and the wider social groups they claim to represent, and about the links war victims' associations have with political parties and the media. Besides, these public qualifications of Bosnian war victims' associations, based as they are on dichotomies between morals and strategy, victims and spokespersons, are in tune with a body of academic work dealing with 'victims' competition' and 'memory entrepreneurs' outside of Bosnia.

Since the mid-1990s, among scholars interested in present discourses on past experiences of war and mass atrocity, an approach that we may refer to as the 'memory wars' paradigm has gained momentum. Reacting to the diffusion of the notion of *devoir de mémoire* (duty of memory) in 1980–90s France, some authors have endeavored to denounce the 'memory abuses'[4] that victims' spokespersons commit by the 'harnessing of the victims' mute voice' (Ricoeur, 2000, p. 109). In the same vein, without hiding his moral disgust, Jean-Michel Chaumont described 'the competition of victims for the palm of the greatest suffering' (Chaumont, 2002 p. 179). Last, public controversies on the French colonial past inspired works on the 'memory wars' supposedly waged

by public authorities, historians and 'memory activists, a sort of police that imposes what ought to be done or not [and] registers any distancing from the *doxa* established in advance' (Benbassa, 2008, p. 592).[5] All in all, this body of work considers victims' mobilizations as voicing symbolic claims to the acknowledgment of their suffering, thus fueling a 'depoliticization' of the public debate (Stora, 2008, p. 41) and serving memory entrepreneurs' self-interests (Erner, 2006, p. 20; Benbassa, 2010, p. XV). However, seldom has the category of 'memory entrepreneurs' been empirically documented and reflexively used,[6] hence recent calls for a banal sociology of memory entrepreneurs that 'documents how these mobilizations fit within ordinary political life' (Lefranc, Mathieu and Siméant, 2008, p. 18). To cast a sociological look at 'memory entrepreneurs', one can fruitfully go back to historian and sociologist Michael Pollak's pioneering work. By analogy with Howard S. Becker's 'moral entrepreneurs', Pollak designed the expression of 'memory entrepreneurs' to refer to actors who 'create common references and those who make sure they are respected' (Pollak, 1993, p. 30).[7] He developed this analysis in the case of Nazi camp survivors' associations:

> The representatives of the associations of deported persons and Resistance fighters have turned into 'guardians of memory'. They are solicited when witnesses are needed for judicial, pedagogic or commemorative purposes. They take care of the transmission of their experience, while simultaneously defending the image of the group and the association. (...) What is at stake is the integration of the history of the deported into the wider, political and national, history. Thus a field of competitive associations emerges, with its orthodox and heterodox discourses, its scissions and its exclusions.
>
> (Pollak, 2000, pp. 246–7)

Do Bosnian war victims' spokespersons try to elaborate and impose memory norms – authoritative interpretations of the victims' experience – into society and onto victims' memories? Beyond accusations of political 'manipulations' of the victims, what are the relationships between victims' associations and political actors? To try and provide empirically documented answers to these questions, I have engaged in ethnographic fieldwork in Brčko District, located in north-eastern Bosnia and Herzegovina, mainly from 2008 to 2010. I have conducted in-depth interviews with former camp detainees, *logoraši*, as well as ethnographic observations in Brčko's association of non-Serb

camp detainees, *Udruga zatočenih – Udruženje logoraša Brčko Distrikta BiH*.[8] It was founded in September 2005 and it counted about 400 members at the end of 2010. The association's members were mainly detained by the Serb armed forces in Luka, the city's fluvial port facilities, and/or in Batković, an agricultural complex in Bijeljina municipality. However, very few of them were actively engaged in the association and on a daily basis the work of the organization came down to its president's activities: he received individuals wishing to get a camp detainee certificate, delivered press releases, asked local authorities for funding, organized commemorations, and so forth. The association's outward discourse on wartime camps and the communication of detention memories within the organization do reveal that the association's spokesperson tried to elaborate an authoritative interpretation of detention to be conveyed into Brčko's public spaces. Such a memory norm was also proposed to the organization's members through everyday memory-framing practices within the association's office. However, this chapter argues that one should not assume that these memory-framing practices had any effects on individuals' recollections. Moreover, while champions of the 'memory wars' paradigm consider the elaboration of antagonistic interpretations of past atrocities as part of memory entrepreneurs' self-interested strategies, this chapter contends that in Brčko's association, memory entrepreneurship served the building of a collective cause of camp detainees within the specific political and social context of a District under international supervision.

Contested elaboration of a memory norm

Located in northeastern Bosnia, the city of Brčko suffered a brutal campaign of ethnic cleansing of its non-Serb population during spring 1992, and later represented a safe destination for thousands of displaced Serbs during the war and early post-war period. In late 1995, the Dayton Peace Agreement maintained Bosnia into its pre-war frontiers while dividing it into two so-called 'entities', *Republika Srpska* (Serb Republic) and the *Federacija Bosne i Hercegovine* (Federation of Bosnia and Herzegovina, subdivided into ten cantons, most of which have a Croat or Bosniac majority). Due to Brčko's highly strategic position as a nexus of river and road communication and as a link between *Republika Srpska*'s eastern and western halves, negotiators could not decide upon the fate of Brčko municipality at Dayton, and it was not until 1999 that an international *ad hoc* tribunal turned it into a District belonging to neither of the two Bosnian entities, and placed it under

international supervision. A particularly heavy international intervention, embodied by the international supervisor for Brčko, was meant to achieve peace in the District by turning it into a democratic, multiethnic place. To do so, the international intervention focused on supporting the return process and imposing multiethnicity in all the institutions of the District, being wary of anything that could appear as public manifestations of ethnonationalism. More than ten years after its creation, the District officials often present Brčko as a model of 'multiethnic coexistence' for the rest of the country. It is important to keep this distinctive atmosphere within Bosnian ethnopolitical landscape in mind if one is to understand collective mobilizations and policy-making in the District.

The non-Serb association of camp detainees of Brčko District was founded on 24 September 2005, with the aims of documenting the history of the war camp detainees from the District, and helping them achieve social rights. Since the association's creation in 2005, its leaders did elaborate an authoritative interpretation of camp detention. First, the local association stayed in tune with the narrative of detention promoted by the Sarajevo-based, mainly Bosniac, Union of camp detainees of Bosnia and Herzegovina,[9] which more or less consistently defined war camp detention as a proof of the international aggression against Bosnia and the genocide against Bosniacs. Hence the phrasing of the first commemorative plaque that was placed on Brčko's camp Luka, which read:

> Let it not be forgotten, let it not be repeated! During the aggression against Bosnia and Herzegovina in 1992–1995, in this place, Serb authorities formed a camp in which 3,000 Bosniacs and Croats suffered unprecedented tortures.

The interpretation of the war as an 'aggression' (and not as a 'civil war', which is the Serb ethnonationalist stance), the ethnonational identification of victims and culprits and the high number of victims all serve as a reminder of the Sarajevo Union's discourse. However, the District's authorities considered the plaque as provocative and had it removed. A new plaque that very well reflected how Brčko's association was distancing from the Sarajevo Union then replaced it and read:

> In this place, in May (*maja/svibnja*) 1992 in Luka camp, several hundreds of innocent civilians were killed. Bosniacs and Croats. May they rest in peace (*Neka im je rahmet i vječni pokoj*).

Significantly, the new plaque used Bosnian and Croat words for 'May', and Muslim and Catholic expressions of mourning. It did identify Luka camp victims ethnonationally, but remained vague as far as the culprits were concerned. The association's interpretation of detention was obviously shaped by the specific District expectations of 'multiethnic coexistence'. But it was also elaborated in interaction with the public discourse of Brčko's Serb association of camp detainees, which defended the interpretation of the war as a civil war in which all parties committed crimes and formed camps. According to one of the Serb spokespersons in the District, there were as many as 21 camps for Serbs in Brčko wartime municipality. The non-Serb association's president, Admir, would publicly contradict these claims through press releases. In his own words, '*mora se malo boriti*' ('one has to fight a little'),[10] and the insistence on numbers of camps and victims in the associations' narratives of detention was therefore largely shaped by the 'fight' between Serb and non-Serb spokespersons.

However, the association's narrative of the camps also resulted from the interactions with Bosniac victims' associations, especially with the older, better-structured association of Bosniac families of missing persons of the District. Admir struggled to impose a definition of the camp detainees as a specific victim category according to international law, different from other non-Serb war victims – relatives of missing persons, victims of sexual violence or civilian war invalids. For instance, he insisted on organizing the Day of the Camp Detainees (*Dan logoraša*) on 2 May, that is, neither on 9 May – the day chosen by the Sarajevo Union of camp detainees, nor on 4 May – the day of the commemoration of the District's Bosniac civilian victims of the war, which was organized by the District's association of relatives of Bosniac missing persons. This raised tensions within his very association, since some active members wished for the overall public acknowledgment of the district's non-Serb civilian victims, without any distinction of the type of victimization suffered.[11] On the contrary, Admir struggled to define the District's camp detainees as distinct from those in the federation's mainly Bosniac associations, and from the District's other civilian victims. He was thereby discursively constructing the District's camp detainees as a collective fighting for a distinctive cause, and as a legitimate beneficiary group of specific District social policies. By doing so, Admir did not compete for the camp detainees to win 'the palm of the greatest suffering' among Bosnian civilian victims (Chaumont, 2002, p. 179). He rather sought to build a collective cause for the camp detainees within the specific social and political context of the District. Not only was the

association's memory norm elaborated in a discursive fashion, but it was also conveyed within the association through what we could refer to as memory-framing practices.

Memory-framing practices and their limited effects

Students of 'transitional justice' literature – familiar as they are with its calls for the voice of the victims to be heard, for their suffering to be acknowledged and their right to speak out publicly to be respected – could be quite surprised when discovering the workings of Brčko's association of camp detainees at the moment of my main fieldwork, from March to August 2008. Every day or so, Admir would receive the District's former camp detainees wishing to get officially registered as *logoraši*. The association had a ten square meter, modestly furnished office in the center of the town. It had a computer, a shelf and a table on which, significantly enough, no ashtray or coffee cup was placed. Indeed, in the association's office there was little room for small talk or sharing intimate details. To obtain a certificate of '*logoraš*', aspiring members had to answer a number of precise questions, ranging from the dates of their arrest and release to the number of people imprisoned with them. Then they had to give a deposition (*izjava*) describing their stay in the camp in further detail. Sitting in front of his computer, Admir would carry out the registration procedure in a systematic, distanced manner. He would not let the aspiring member tell his or her story in his or her own way. Through methodically rephrasing and formally correcting the deposition as he typed it on his computer, he would somehow frame the aspirant's restitution of memories.

Not only would he frame the form of the deposition, to such an extent that one day a member angrily complained that his testimony was a 'standardized text',[12] but by correcting places of arrest, lengths of transport, dates of release, and so forth, Admir would put individuals' singular experiences into collective patterns of detention. He thus injected order into otherwise irreducibly confused narratives. For instance, when Mirza,[13] a man in his thirties from the village of Brezovo Polje, came and asked for an appointment, Admir opened his file and started writing down the first details:

Admir: On which day were you taken to the Luka camp?
Mirza: Pff, I don't know, I went there at the same time as everyone. Everybody went there at the same time, so I don't know, I can't remember dates.

Admir: That was on 17 June [1992]. And when were you liberated from Batković?
Mirza: Pff, at the same time as everyone, I don't know.
Admir *(in a pedagogical tone)*: They freed us in two rounds. There was a first round, then some 50 persons stayed [in the camp] to do forced work.
Mirza: Concluded that he left with the first group.[14]

By uncovering the collective patterns and logics of detention, Admir gave individual memories a collective meaning, but the collective he implied was specific. The spokesperson's memory-framing endeavors conveyed a narrative of detention as targeting exclusively non-Serbs, and all divisions among this group were downplayed. For example, one day, he asked an aspirant, Husein, about the national background of his fellow camp inmates:

Husein: They were Muslims.
Admir: Any Croats?
Husein: Yes.
Admir: And Albanians?
Husein: Yes, the ones who lived in Brezovo Polje [a village situated in Brčko municipality].
Admir: Any Roma?
Husein: Yes, too.
Admir *(summing up, typing and reading aloud)*: So, 'people from all nationalities, except Serbs'.
Husein: Well, there was one Serb with us, Mile Marković.
Admir *(without changing what he had written down)*: Oh, sure, but there were not many.[15]

Such a reformulation was significant insofar as it supported an interpretation of detention as being exclusively based on ethnonational criteria. Admir would also downplay differences between non-Serbs, especially socioeconomic distinctions and diverging partisan loyalties. When Mirza, the young man from Brezovo Polje, came back to the office and started giving his deposition, Admir slightly modified some of his phrasing. Suddenly Mirza stopped:

Mirza: I am sorry to interrupt, but I have been talking about this deposition with people, and I think it is important to state that I was amongst civilians.

Admir *(rejecting the objection with the back of his hand)*: This is what I am writing down. (. . .)
Mirza *(stopping again a few minutes later)*: I wish to say that I saw people with weapons in Brezovo Polje. People from the SDA knew beforehand [that there was going to be a war].
Admir: It is not the moment to speak about that.
Mirza: I had nothing to eat or drink for a couple of days. Then those who had money could get some bread, I can't remember when exactly.
Admir *(angrily)*: Only give me precise statements! I cannot spend five days writing.[16]

Even though the association's spokesperson acted as a memory entrepreneur, imbuing individual recollections with homogeneous form, order and meaning, the effects of his memory-framing work on applicants' narrations should not be overstated, quite the contrary.

The association's daily activities did not seem to contribute to homogenizing the representations of detention among former detainees. Indeed, they produced a type of sociability that was neither propitious to the sharing of memories nor to their reciprocal inter-individual framing. A conversation between Admir, his secretary Mehmed and me revealed the articulation between everyday sociabilities within the organization, the cause of the mobilized former camp detainees, and the social and political context in the District. Admir explained to Mehmed:

> Some people would just like to sit, smoke and talk. However, I have not opened a club (*klub*), but an office (*kancelarija*). By the way, I doubt that the other [Serb] association has a database [of former camp detainees]. They meet in private houses. Meanwhile, I have registered 45 persons in 2006, 72 in 2007 and 88 up until today in 2008.[17]

He thereby linked the association's cause, demanding public acknowledgment and material reparations for non-Serb camp detainees in the District (its daily activities), registering members so that the District administration could identify them more easily, and a certain type of organization, an 'office' rather than a 'club'. This organizational model goes hand in hand with a certain type of relationship between the association's representatives and its members: by turning the association into an office with a para-administrative role, rather than into a 'club' dedicated to the sharing of memories and to empathy, the association's

president hindered his own memory-framing practices. Indeed, within the 'office', moments of conversation and confession were rare, even though some aspiring members would often try to speak of the details of their detention with Admir. More often than not, he would cut short any willingness to recount intimate memories by interrupting the aspiring member or asking a new question. Such an attitude might even stem from Admir's conscious refusal to speak of his own detention. He once told me in an informal conversation that:

> I run away (*izbjegavam*) because whenever four or five of us sit together, the only theme of conversation is the war and what happened. Either we talk politics, or we talk about the war. As far as I am concerned, I run away from these conversations. I have gone through enough things (*prošao sam kroz dosta toga*).[18]

This remark usefully reminds one that within war victims' associations, types of sociability largely depend on a characteristic of these organizations that ought not to be underestimated – that is, the biographical experience of the militants. However (un)representative of the war victims they may be, associations' spokespersons are nonetheless individuals with their own shared memories of war (Lavabre and Tartakowsky, 2006).

The construction of a collective cause within the District's socio-political context

However unsuccessfully, the District's association leader struggled to elaborate and convey an authoritative interpretation of camp detention in Brčko. While some scholars of 'memory wars' might claim that he acted as a memory entrepreneur wishing to shape the public's memories of detention for his own symbolic and material interests, this chapter has argued that his memory-framing activities and his avoidances were partly shaped by his own social trajectory, he himself being a camp detainee, and also by the political context in which Brčko *logoraši*' cause was constructed and defended. Ethnographic fieldwork has revealed that the motivations for engagement that the association's leaders and members put forward were very similar. They all emphasized a defense of the camp detainees' rights (*prava*) that inextricably articulated symbolic and material dimensions, public acknowledgment and material compensation for their suffering. In the very statutes of the association, programmatic objectives related to the public acknowledgment of the

suffering of the *logoraši* (for instance collecting and publicizing data on the camps, registering former camp inmates and gathering material proofs) were combined with objectives of material reparations (such as providing humanitarian and social help to the association members and their families). In his public interventions, Admir linked both dimensions too. In a newspaper article, he reacted to the adoption of a District decree that included former camp detainees within the category of 'civilian war victims' and thereby entitled some of them to financial reparations as of March 2008. According to the article, Admir highlighted the fact that the decree should have regulated the job status of the former camp detainees who are able to work, as well as the question of fellowships for the schooling of their children. 'What hurt the camp detainees was the fact that during the debates [at Brčko District assembly], nobody mentioned the number of former camp detainees in this city,' he said, adding that according to their information there are more than 800.[19]

Both dimensions of the association's quest for justice were inextricably linked, which contradicts some works that pit the victims' need for recognition against their spokespersons' greed for retribution. In this association, both aspiring members and associative elites longed for both the acknowledgment of their suffering, through the public uttering of 'the number of former camp detainees' for instance, and for material reparation, through a concern for their 'job status' and 'fellowships'. This inextricable link between recognition and redistribution was also signaled by Nancy Fraser, who considers them as 'dimensions of justice that can be found in any social movement' (Fraser, 2004, p. 154).

To reach these entangled symbolic and material objectives, Admir prioritized two main strategies that help us to understand the memory norm he conveyed. First, the association lobbied local authorities to pass a law on the status of camp detainees, in the vein of socialist Yugoslav laws on civilian war victims. The association's president and members of the governing bodies shared certain social characteristics, such as previous engagement in citizens' associations and closeness to the Social Democratic Party.[20] These social trajectories help us to understand why they decided to work in close relation with the local authorities and to play by the District's new rules. According to the head for public relations of the District government, the District had its own philosophy, that of 'togetherness' (*zajedništvo*), as opposed to the two Bosnian entities' motto of 'ethnonational exclusivity'.[21] For organized individuals, the 'philosophy of togetherness' of the District imposed the staging of multiethnicity and tolerance in their quest for

public resources. This is one way to account for the association's discursive distancing from the federation-based, long-time SDA-client Union of camp detainees from Sarajevo, and for the new phrasing of the commemoration plaque: the District association adapted its claims to the 'philosophy of togetherness' that was pursued by the District's local and international authorities.

Consequently, references to the widespread Bosniac ethnonationalist discourse about the aggression against Bosnia and genocide on Bosniacs were present only implicitly in the association's everyday proceedings – through the affirmation that camp detainees were exclusively non-Serb, for instance. The association's aim of 'proving the aggression and genocide' was even removed from its statutes in March 2008. More important, the association's president asserted that he deliberately avoided speaking of the war in terms of '*agresija*' in order not to antagonize Serb ethnonationalist members of the district assembly. He thereby intended not to jeopardize the association's requests for public funding, be it a line on the budget, specific funding to organize a commemoration of the Day of the Camp Detainees, and the like. Therefore, building a specific narrative of camp detention in the District was not so much part of a 'competition of victims' for social prestige, as a way to construct a population of district camp detainees clearly identifiable as social policy beneficiaries by the District authorities.

Second, the memory-framing work of the association leader was linked to their pursuit of justice by planning to press charges against the *Republika Srpska* and Brčko District for material and moral prejudice suffered during detention, hence Admir's insistence on the dates of arrest and release of applicants. Collective complaints were indeed expected to entail financial reparations for every complainant based on the number of days spent in the camp.[22] This thus also explains the memory-framing practices during the registration process: by rephrasing individual recollections into coherent patterns of collective detention, Admir sought to build a stronger case. Moreover, defining camp detainees as exclusively non-Serbs during the registration process would make the court verdict identify the injured party on ethnonational grounds.

This strategy of collective charges against the entities and the district was also largely context-sensitive: it accelerated after the verdict of the International Court of Justice (ICJ).[23] According to the ICJ ruling, Serbia and Montenegro had committed no genocide in Bosnia and Herzegovina.[24] The camp detainees' association therefore gave up on the financial reparations they expected from Serbia. The very questions asked during the registration procedure depended on the new judicial context envisioned: after the judgment of the ICJ, Admir said,

they removed any question linked to the amount of material damage that individuals had suffered, such as the evaluation of the damage undergone by their house or agricultural properties, from the registration procedure. Therefore the narrative of camp detention that the association spokesperson elaborated and conveyed was not so much part of a 'memory war' among victim groups, as it was defined by the former camp detainees' fight for symbolic and material rights within the District's philosophy of togetherness and the evolving judicial context.

Conclusion

Drawing on an empirical investigation into a Bosnian camp detainees' association, this chapter has endeavored to go beyond the dichotomist public discourses held on war victims' organizations by showing that the local association studied here was neither purely strategic, nor purely moral. The local association's elite designed and followed judicial and lobbying strategies aimed at reaching entangled material and moral objectives – that is, justice and social rights for camp detainees. Supporting these strategies, it did elaborate a distinctive narrative of camp detention in Brčko District that euphemized accusations of genocide against Bosniacs and aggression against Bosnia, and insisted on the singularity of camp detainees among other civilian war victims, such as families of the missing and war rape victims. The association's president also tried to frame individual war camp detainees' recollections into such a narrative through his daily quasi-bureaucratic deposition transcribing routine. However, it should be highlighted that such memory-framing practices had limited effects on the ways individual members remembered the war and their detention. The local association's active members therefore appear as would-be 'guardians of memory' since there is no evidence that they imposed a memory norm onto the victims' supposedly malleable recollections. Last and most important, the memory norm they elaborated was not part of a 'victim's competition' for symbolic prestige and material benefits, but rather it served the context-sensitive construction of a collective cause in a unique space of international intervention in Bosnia, Brčko District. As these ethnographic insights have confirmed, war victims' mobilizations therefore deserve a sociological analysis that, as in most social movements' studies (e.g. McAdam, McCarthy and Zald, 1996), pays heed not only to their framing processes and resources for mobilization, but also to the political contexts in which they can build and fight for their collective causes.

Acknowledgments

Earlier versions of this work were presented at the VIII World Congress of the International Council of Central and East European Studies in Stockholm, 27 July 2010, and at the conference on *(Re)imagining the Balkans. European Societies in Movement*, CERI, Paris, 27 June 2011. I wish to thank the organizers and participants for helpful discussions. Many thanks also to Michele Greer for her assistance in editing this chapter. Finally, I am deeply indebted to all those who contributed to the fieldwork in Brčko.

Notes

1. In this chapter, the substantive and the adjective 'Bosnian' (*bosanac, bosanski*) refer to the inhabitants of Bosnia and Herzegovina (hereinafter: Bosnia), while the substantive and the adjective Bosniac (*bošnjak, bošnjački*) refer to Bosnian Muslims only.
2. B. Bećirbašić, 'Trgovanje emocijom žrtve', *Dani*, 22 October 2010.
3. Some researchers have scrutinized associations of relatives of missing persons (Delpla, 2007; Wagner, 2008; Nettelfield, 2010) and associations of women victims of wartime rape (Helms, 2010) for instance.
4. We owe this expression to Tzvetan Todorov (1998), but other authors have developed analysis in terms of memory abuses, notably Ricoeur (2000) and Chaumont (2002). For a critical appraisal of these works, see Gensburger (2002, pp. 291–322) and Gensburger and Lavabre (2005).
5. See for instance Blanchard and Veyrat-Masson (2010).
6. For an exception to this rule, see Gensburger (2010).
7. In 1991 already, a notion of a memory entrepreneurship had been forged by authors analyzing struggles surrounding the memorial for the Vietnam War in Washington, DC (Wagner-Pacifici and Schwartz, 1991, p. 382).
8. Association of camp detainees of Brčko District of Bosnia and Herzegovina. One may note that the association's name includes 'Croat' and 'Bosnian' versions, which, according to its first president, testified to their willingness to speak the district authorities' 'language of multiethnicity'.
9. The *Savez logoraša Bosne i Hercegovine* was founded in Sarajevo on 19 May 1996. At the end of 1996, it was taken over by former camp detainees close to the SDA (*Stranka demokratske akcije*, a Bosniac ethnonationalist party).
10. Observation, Brčko District, 16 May 2008.
11. Observation, Brčko District, 23 April 2008.
12. Observation, Brčko District, 16 May 2008.
13. For the sake of anonymity, all the names used here are pseudonyms, except for public figures such as the association's spokesperson.
14. Observation, Brčko District, 2 April 2008.
15. Observation, Brčko District, 24 April 2008.
16. Observation, Brčko District, 4 April 2008.
17. Observation, Brčko District, 22 April 2008.
18. Conversation with the association's president, Brčko District, 18 June 2008.

19. E. R. (2008), 'Brčanski logoraši nezadovoljni', *Dnevni Avaz*, 22 March 2008.
20. From 2004 to 2008, the mayor of the District belonged to the SDP (*Socijaldemokratska partija*), a political party heir to the Communist Party of Yugoslavia that voiced a multiethnic stance.
21. Interview with the head of public relations of the District government, Brčko, 10 July 2008.
22. It was the case for Zijahudin Smailagić, from Banja Luka, who won his case against *Republika Srpska* in 2003 and received financial reparation of 9 KM (4.5€) per day of detention.
23. ICJ ruling on Bosnia-Herzegovina versus Serbia and Montenegro, 26 February 2007.
24. Genocide had indeed taken place in Srebrenica, the ICJ ruled, but the Army of Republika Srpska (VRS) – not Serbia and Montenegro – was deemed responsible for it.

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2

The Russian Orthodox Church and Reconciliation with the Soviet Past

Kathy Rousselet

The history of the Soviet Union, and particularly that of political repression, is a key political issue in Russia. The figure of Stalin has deeply divided the population. This certainly explains why the memorialization of mass repression in Russia remains limited. Far from being encouraged by the state, specific initiatives have been the work of isolated individuals and associations, such as Memorial, a historical and human rights society. Following the interest generated by Stalinist history in the 1980s and early 1990s, the general attitude of the population today seems to be characterized not so much by oblivion, but by a certain indifference.[1] In this context, as the Russian Orthodox Church was accused during the collapse of the Soviet Union of having compromised its principles with the Soviet regime, the church has progressively become the principal official actor in the process of memorialization. Some of the political ideas that are mobilized by the church are to a great extent in line with what the elites and an important part of Russian society are ready to accept about the past.

After carrying out research on the priests and laymen who were arrested and executed in the 1920s and 1930s and on the history of the parishes of that period, the church has created obituaries (*sinodiki*) and martyrologies. Crosses have been installed on the sites where the executions took place, while the number of processions has increased. Churches and chapels in memory of the new martyrs have been constructed throughout Russian lands. Many parishes have venerated as their saint (whether canonized or not) the priest of the community who was the victim of the Bolshevik or Stalinist anti-religious policy.[2] Churches on Spilled Blood have become places of memory where a great deal of investment in policies has taken place.

As in other Central and Eastern European countries, the process of memorialization has resulted in the 'heroization' of history (Mink and Bonnard, 2010). Although political elites have been concerned with asserting the power of the Russian state, the mass killings that took place in the Soviet Union have been progressively interpreted against the backdrop of patriotism in as much as this has become an accepted political idea that cannot be ignored (Daucé et al., 2010). The policy of memorialization helps circumvent the delicate issue of the perpetrators, something that can potentially destabilize the whole of society. This is also an opportunity for the church to revive the myth of Holy Russia: on the one hand, an actively engaged nation that fought against evil and its enemies and, on the other hand, a nation conscious of its sins, for which it repents, that is also a martyr nation.[3] The rewriting of Soviet history, particularly its most painful pages, has partly taken place through 'memory seams' (Mink and Bonnard, 2010). Moreover, although reaching an agreement in terms of justice seems impossible and historical truth seems difficult to establish, the church tries to impose the religious language of reconciliation and repentance.[4]

The church's memorial places

Starting in 1986, in the context of greater freedom of speech and an increase in the public nature of debates, the intelligentsia that became the beneficiary of the 20th Congress of the Communist Party of the Soviet Union (CPSU) reactivated the memory of the Soviet past. Historians, human rights defenders and parents of the victims broke the silence and paid tribute to the victims of Stalinism. In many regions, the Memorial association put together memory books that included the names of those who perished.

In turn, the Russian Orthodox Church carried out its own research on the priests and laymen who were persecuted because of their faith. In 1988, the millennium anniversary of the Baptism of Russia led to exchanges between members of the ecclesiastical institution and foreign historians, who added a decisive impetus to these encounters. In 1989 the church created a commission responsible for the rehabilitation of Orthodox believers in society. Following the publication of a pertinent article in *Izvestia* on 16 July 1989, letters by parents of the victims, who had not kept any document or known the history of their own country, started pouring into the patriarchate. Since 1990 the eparchies (territorial dioceses) have been asked to create obituaries for the new martyrs. In Saint Petersburg, the protopriest Vladimir Sorokin,

then rector of the Religious Academy, established, with the approval of the Metropolitan, a commission responsible for collecting the names of teachers who were persecuted. In Moscow, research has been carried out by the St Tikhon Orthodox Theological Institute, under the direction of the protopriest Vladimir Vorobiev; in 1992 a database was created to collect information on the repression between 1917 and 1959 using a variety of sources. The creation of a website detailing all of the graves in Russia and providing not only the names of the martyrs, but also facts on their life, is under way.

While no one knows exactly where the bodies of the people being mourned lie, and while the identification of the places where the executions took place during the Great Terror remains vague, memory books, obituaries and martyrologies are the most valuable traces from the past. Just like the *Yizkor Bicher* memorial books that constituted the first memorials of the Holocaust, these books, in the absence of tombs (Young, 1993, p. 729), have become commemorative spaces.

Churches on Spilled Blood[5] have been built in the tradition of the Russian Orthodox Church. According to the Orthodox historian Igor Garkavy, director of the Butovo Memorial Center, these buildings have achieved several objectives throughout the centuries:

> This has been a way to maintain the memory of the dead until their canonization and to pray for those who have already been canonized. It has also been a way to preserve the historical event in the popular memory and at the same time warn contemporaries and their descendants against new misfortunes; it has also been a way to insert Christian values in the political culture of the era and, thus a way for the whole population to seek repentance for the spilled blood of the righteous.
>
> (Garkavy, 2006, pp. 215–16)

Among the Churches on Spilled Blood, the most important is arguably the one built on the Butovo firing range (Rousselet, 2007, 2008) in the suburbs of Moscow, where, according to official sources, more than 20,000 people from all social milieus, believers and non-believers, were executed[6]; among them, more than 300 have been canonized by the church over the last years. A commemorative plaque was laid on 10 October 1993 in the presence of state officials and the 350 parents of the victims; a wooden cross was erected in 1994 by Vladimir Vorobiev from the Institute St Tikhon of Moscow (designed by the architect D.M. Shakhovskoi, son of Father Mikhail Shchik, who was

killed in Butovo). The Butovo site was subsequently handed to the Russian Orthodox Church by the Federal Service of Security,[7] its original owner.

The duty of preserving memory has been carried out in Russia predominantly by those who have been directly affected: a parish community, consisting primarily of parents of the victims, decided to build a wooden church without foundations, the Church of the Russian Holy Martyrs and Confessors of the Faith of Butovo, which celebrated its first liturgy on 16 June 1996. While the memorial status of the site had been barely established between 1990 and 2000, a new church with five domes was erected across the road in 2007: the Church of the Resurrection was financed by a young industrial entrepreneur and dedicated to the new Russian martyrs. On 7 August 2007 a wooden crucifix was built next to the large church; it was made in the monastery of the Transfiguration on the islands of Solovki, the main site of Soviet deportations, and sent to Butovo in a procession along the river Volga and the canals that were dug by the prisoners of the Gulag in the 1930s. The cross was placed on the top of a pile of stones originating from the Solovki islands and from destroyed churches.[8] The memorial space is further enriched by donations from believers, comprising the personal belongings of the family members: icons, religious garments, photos and papers. The material evidence of the purges, such as shoes or bullets, is on display inside the crypt of the Church of the Resurrection.

Since 27 May 2000, every day on the fourth Saturday after Easter, the patriarch, bishops and priests from Moscow and the vicinity solemnly celebrate a memorial service for the new martyrs of the faith of Butovo.

In Butovo the families of the victims come to mourn their dead without knowing where their relatives have been buried. This is the place where people pray for the salvation of their parents; this is also the place of those who have a canonized parent and who pray so that their parents can intercede for them. The parish rector himself is the grandson of a canonized priest.

Due to its proximity to the capital, Butovo has become the site of an official form of memorialization. It was in Butovo that in May 2007 the reconciliation of the Russian Orthodox Church and the Russian Orthodox Church Outside Russia was sealed; the latter was founded in 1922 during the period of Russian emigration and since the 1990s it has required an act of repentance from the former for its collaboration with Soviet authorities, as well as a recognition of the new martyrs. Patriarch

Alexei II, who passed away in 2008, named the site a 'Russian Golgotha' and called for memorializing not only the new martyrs of Butovo, but also all of the new martyrs of Russia; the actors who created this place explain that Butovo reminds us of the tragic history of the Russian Orthodox Church in the 20th century, including 'its persecutions, its suffering and spiritual accomplishment [*podvig*]'.[9]

In May 2009, the current patriarch Kirill noted that more holy martyrs rest on the Butovo firing range than on the whole of Orthodox lands, adding that

> we know that in political discourse we use the term 'genocide'. It is a terrible word; it means the destruction of a people. We have never used this word for the Church but if we think of the suffering of the Russian Orthodox Church, we could apply this secular term [*svetskoe*] which fully expresses what took place: the Church was almost completely annihilated.[10]

The Butovo firing range also represents all of the victims of the Gulag. It was to Butovo that Vladimir Putin went on 30 October 2007 to commemorate the 70th anniversary of the Great Terror; during a declaration that was particularly noted by human rights defenders, he paid tribute to the 'hundreds of thousands', the 'millions of people' that 'were killed, tortured, or sent to the camps . . . . They were the cream of the nation. To this day, we feel the impact of this action'.[11]

Today more sites are expected to transmit this official memory, starting with the Solovki islands, where the current patriarch Kirill, whose grandfather perished there, intends to build a 'national centre for the study of the *podvig* of the Russian Orthodox Church in the 20th century'. In the cemetery of Levashovo, a suburb of Saint Petersburg, where 47,000 victims of the Stalinist repression between 1937 and 1954 have been laid to rest (including 2500 Orthodox priests and religious servants), the Butovo model could serve as an example of memorialization. Since the beginning of the 1990s, monuments have been erected in memory of national groups and individuals, which suggests the vitality of collective memory and its diverse forms in Russia. In 2009 Patriarch Kirill decided to build a church for all the saints who prospered in Saint Petersburg, and on 2 August 2009[12] a *moleben* (service of intercession) was celebrated for its edification in the presence of the protopriest Kirill Kaleda of Butovo, thus uniting the two capitals and two 'Golgothas'.

From victim to hero through a process of sanctification

The nomination of saints

The canonization of the new martyrs is at the heart of the church's memorialization of the repression. Through the number of new canonized martyrs the Russian church is hoping to achieve recognition of its supremacy in the Orthodox world. Yet it is important to note that in Russia, as in other places, canonizations are dependent to a large extent on factors outside religion.

This process was initiated largely under pressure from the Orthodox Church Outside Russia, which itself had canonized the new martyrs of the Soviet period in 1981. Nevertheless, from the end of the 1970s Higumen (Abbott) Damaskin Orlovski (from the Russian Orthodox Church) undertook research on the Christians who were persecuted, thus increasing the number of interviews with witnesses of the mass killings in many regions of Russia. The first of the seven volumes that he dedicated to the 20th century new martyrs and confessors of the faith in Russia dates from 1992. Orlovski is still the director of a Permanent Synodal Commission, which was created in 1989 with the responsibility for the canonization of saints. The first to be canonized was Patriarch Tikhon[13] in 1989; by 2000, 13 new martyrs were honored, including the Metropolitan Veniamin Kazanski of Petrograd (executed on 13 August 1922), the grand duchess Elizabeth Feodorovna Romanovna and her servant Varvara (executed on 18 July 1918 near Yekaterinburg), and the Metropolitan of Leningrad Serafim Chichagov, who was executed in Butovo. While in the 1990s the eparchies were expected to work on collecting information on many of their faithful who had died for their faith, more than 1000 new martyrs were canonized during the episcopal synod in August 2000 and this process continues until today.[14]

In view of the multiple divisions that have torn apart the Russian church in the 1920s, the Synodal Commission on the canonization of saints established in 1995 criteria for the canonization of the new martyrs. Following the early church, used as a reference by the Russian church in as much as it had not experienced any other period of martyrdom, the Synodal Commission considers that it is important for a Christian to profess true faith and asserts particularly that it is impossible to canonize Orthodox Christians belonging to the Renovationist movement.[15] Furthermore, an Orthodox Christian must not have renounced the faith, the priesthood or the diaconate or even betrayed coreligionists. Miracles, which are important criteria of sanctity in the Russian Orthodox Church, are rare, but the simple fact that

a believer has received the strength to sacrifice his/her life can be considered a miracle as such. The Synodal Commission has used the reports by the commissions of the eparchies, which themselves resort to local archives concerning the history of the church during the persecutions: documents of the bodies enforcing the repression; texts of the Council of Religious Affairs; the archives of the eparchy (if they were retained); some private collections; the press from that period; and possibly interviews with witnesses. But as certain observers have noted, the use of official sources (in particular the notes written by the executioners themselves) raises the question of reliability, and the use of such documents requires an appropriate methodology.

Beyond this difficult question, the role of bureaucratic mechanisms in the making of the new saints is particularly important. Thus, the number of Christians canonized in a region depends on the 'administrative resources' of church officials and the good faith of federal security services to cooperate with the church experts and let them use the archives. The possibility of canonization is also linked to the richness of the archives and the ability of members in the work groups within the eparchies to analyze the official documents as if they were not only historians, but also people with religious beliefs; the canonization process is also connected to the ability of members in the work group to get to know the local religious history as it has been transmitted by the older generations.[16] This can also depend on the proximity of church officials to the members of the patriarchal commission. It is not a coincidence that a large number of canonized believers come from the Moscow area and that such high numbers of canonized members of the clergy are concentrated in Butovo.

Although distant eparchies were equally affected by the repression, they have more difficulty in carrying out their work of memorialization. For example, in 2009 in the eparchy of Ekaterinodar and Kuban, thousands of kilometers from the capital, only five priests out of the 20 proposed by the eparchy were canonized because the others did not fulfill all of the criteria imposed by Moscow. Most of the priests who were executed were shot in the 1930s when the Renovationist movement was very powerful in the area. Yet there are very few documents that provide evidence on whether the priests were part of this movement. While the patriarchal commission is very vigilant on this point, the eparchy of Kuban prefers to adopt a more moderate position. It seems more important for it to present an image of a church that as a whole, from the bishop to the active layman, knew how to resist Soviet ideology. The criterion of affiliation to the Renovationist movement is not considered

a major obstacle since the priests may have chosen this solution in order to allow their church to survive and celebrate the liturgy. Some priests were subordinate to the Orthodox Church Outside Russia; one priest collaborated with the Germans in order to be able to build churches so he was subsequently executed. No one today can be canonized by the Russian Orthodox Church, even if these priests worked, according to the eparchy, in the best interest of their church.

The concern for historical truth imposed by the commission, and the need for cross-checking and the difficulty in obtaining data (particularly on the bishops who had to constantly change eparchy) from archives whose contents are often uneven and fraught with gaps from region to region, can explain the slow pace in the process of canonization. Since the majority of the local commission members work simply because of their enthusiasm, motivated by the wish to find the traces of a grandfather or a great-grandfather, the lack of professional historians constitutes an additional obstacle. Links between the church and secular historians are far from developed: people work for themselves and are fearful of competition. Putting historical work at the service of the memory of the church can provoke a great deal of tension between the two parties. Distinguishing victims according to specific criteria creates a dividing line between the member of the church and the historian; the latter can offer some expertise but is not willing to judge the sanctity of any believer since they are all seen as equal [*ravnye*].[17] Furthermore, nominating places of memory can also be a source of tension between the church and the historian as clearly illustrated by the debate on the burial of the remains of the imperial family near Yekaterinburg.[18]

The patriotic view

The Orthodox memory of the victims is enriched by a reflection on the meaning of their spiritual achievement in contemporary society. Russia was saved and the church was reborn thanks to the *podvig* of the victims. The believer of today, continuing the *podvig* of the martyrs, should act so that evil does not happen again, so that the vices inherited by society can be left behind (Golovkova, 2004, p. 180). Therefore, the martyr becomes a role model. The school children of post-Soviet Russia who visit Butovo or study the life of the teachers who were executed discover 'authentic heroes who have retained in their image the face of God'.[19] Even if canonization makes the life of a victim exceptional, the new martyrs of the faith are distinguished by their proximity to the believers, which allows them to not only believe, but also emulate them. The new martyrs of the Soviet era bring to mind present-day

martyrs, for example those who sacrificed themselves for their faith in Chechnya.

This is the type of discourse that can be heard in Butovo, but also elsewhere. Among the frescoes of the Church of Saint Elias of Krasnodar in the eparchy of Kuban, the soldier Evgeni Rodionov is alongside the five canonized martyrs of the eparchy. He was decapitated while in captivity in 1996 during the first Chechen war because of his faith: he refused to remove his cross and convert to Islam. The fresco depicting his image was painted even though he has not (yet) been canonized by the church. However, by staging 'heroes' who die for their faith, one forgets that a large number of people killed in Butovo and elsewhere were executed without even uttering a word since the executioners were simply fulfilling a quantitative target. In this way, the shift from a process of victimization toward a process of heroization by the church overshadows one of the distinct characteristics of the mass killings.

Religious and political forces seem to converge toward a patriotic fervor even if patriotism today has diverse meanings. Church memorialization allows the glorification of Holy Russia. It was in this nation that the battle between good and evil took place, between the Mongol-Tatars of the Golden Horde and the Russians led by Dimitri IV of Russia on the field of Kulikovo in 1380; and in Butovo between 1937 and 1938, it is the same nation that emerged victorious from the Second World War. According to Christian Giordano, in Russia, 'gaining holy status is almost impossible without first becoming a heroic warrior' (Giordano, 2001, p. 126). This certainly explains why the memory of the religious victims of the Great Terror is part of the memory of those who fought for the country during the Soviet period and beyond.

Thus, on the site of Prince Vladimir Church in Saint Petersburg an electronic martyrology [*Vserossiiski Pomiannik*] aiming to collect the names of all those who died for the country was created in 2008. This involves preserving the memory of those who contributed to the glory and honor of Russia, while also making it possible to pray for them and to provide further information. The list is impressive and includes victims of the Leningrad Blockade, those who took part in the Great Patriotic War (1941–45), the victims of political repression, those who suffered because of their faith in God and those who took part in the Crimean War (1859–66), the Russo–Turkish War (1877–78), the patriotic war (1812), the Russo–Japanese war (1904–05), the First World War, the Civil War (1918–22) and the Finnish–Soviet War (1939–40); it also includes those who took part in regional conflicts (Afghanistan, Chechnya, Georgia), those who were part of the events between 1991

and 1993 and those who died in the line of duty (e.g., in the space center of Plesetsk[20] or Baikonur,[21] and the victims of the Kursk submarine accident in August 2000).[22] This form of memorialization is about praying 'for everyone and for everything'. But does this patriotism not erase the specificity of political and religious repression?

Memorializing the victims is also part of a general concern for local promotion and it is not a coincidence if research on the martyrs is carried out partly by the *kraievedy* (local historians) who have a specialized knowledge of their region; thus, interest in the memorialization of the victims of religious repression goes beyond religion. One of the goals of the local churches is to present to the faithful the religious richness of their eparchy and to re-establish a long line of believers. The Butovo Parish created a sports and tourist club that organizes events for young people, walking tours and bicycle or boat trips in the footsteps of the saints of Butovo: this involves gathering information on the places where they lived, meeting witnesses from the past, studying the history of the churches where the saints had served and becoming familiar with the communities of the parish communities. But there are questions on whether this memorializing approach trivializes to a certain extent the unique experience of the Great Terror, and whether the process of memorialization is diluted in the interest of studying the nature and history of the region.

Memory and reconciliation

The church, just as the rest of society, is very divided on which position to adopt toward the country's history. The hierarchy of the Orthodox Church calls for repentance, but not all members of the clergy are in agreement on its meaning; some, just as a part of Russian society does, reject any form of questioning of Stalinist policy. Others fall into a sense of nostalgia for the pre-Soviet past as manifested by the veneration of the imperial family. Memory is particularly traumatic. According to Arseni Roginski from the association Memorial:

> Contrary to the Nazis, who for the most part killed the 'other' (...), we in Russia killed our 'own', and the national conscience refuses to accept this (...). The impossible task of alienating evil constitutes the main obstacle in the creation of a complete and dedicated memory of the Great Terror. This reinforces its traumatic character and becomes one of the main reasons for its rejection in the margins of historical memory.
>
> (Roginski, 2009, p. 212)

In this context, civil peace, according to the church, must be achieved thanks to an understanding of the spiritual dimension of the tragedy and an overcoming of the distinction between victims and executioners. This involves asking forgiveness for the mistakes of the ancestors and praying just as much for the righteous that died as for those who executed them. The rector of the Butovo Parish goes so far as explaining that the guilt is collective, that everyone was responsible for what happened in one way or another and that everyone was a victim in the Stalinist Terror. This is true in Butovo, where the high dignitaries together with the intelligentsia and peasants ended up all together in the same ditch. The rector also emphasizes that the whole population would need to repent and the memory of the victims would need to become 'a platform from which to assure the unity of the people'.[23]

Furthermore, one could wonder whether the place of the church in the process of memorialization and the fact that Vladimir Putin went to Butovo in 2007 to commemorate the Great Terror can be explained by the lack of any distinction between perpetrators and victims and by the church's view of people as one. Approaching this question in religious terms can avoid the unsolvable and traumatizing problem of distinguishing between executioners and victims. Moreover, religion gives a sense of meaning. In fact, to worship the new saints is to become aware of the fact that it is thanks to them that Russia will be saved and that humanity will not be doomed. The church speaks of a suffering people that fought against the enemy and delivers a message of victory over evil. In that sense there is a return to the idea that when faced with the executioners, Christians, even from very modest backgrounds, showed themselves to be more dignified than military people, who nevertheless were accustomed to coming face to face with death. These events are part of the history of salvation and in a general way the history of Russia is part of sacred history.

On 1 February 2011 the Council for Civil Society and Human Rights, a consultative body under the Russian president that comprises representatives of non-governmental organizations and human rights organizations, published a draft program for 'preserving the memory of victims of the totalitarian regime and national reconciliation'.[24] The project, aiming among other objectives to increase Russia's international prestige, emphasizes that becoming aware of this '20th century tragedy' is a sign of responsibility and a *sine qua non* condition of the country's modernization. This 'does not consist of highlighting the condemnation of those, among them our ancestors, who committed a genocide and destroyed faith and morality, but of respecting and perpetuating the memory of the victims of the regime'. This also involves putting an

end to the Civil War that began in 1917. In a type of language that is typically used by international policies (Lefranc, 2007), the project calls for the truth about the past and reparations. Yet, by designating Russia as a 'big Katyń' (referring to the 1940 Katyń massacre), by focusing Soviet history on Stalinist totalitarianism, by emphasizing that Russia 'is not the Russia of Lenin and Stalin', the project has angered critics who are not ready to radically reject the history of Soviet Russia and who remain particularly ambivalent toward the Stalinist heritage. The wish to give to the project a European[25] dimension has also managed to irritate the most ultra-nationalist groups among them.

On 2 February 2011 the Episcopal Synod of the Orthodox Church adopted its own proposals on taking 'measures to preserve the memory of the new martyrs and confessors of the faith and of all those who were innocent and who suffered because of those who struggled against God during the years of persecution'.[26] The new measures taken by the church are part of an ongoing process. The church attributes a mystical meaning to the suffering of the people who perished during the anti-religious struggle: their death bears a spiritual outcome, making the church grow as a whole. Instead of linking the anti-religious repression exclusively to the Soviet state, the church has emphasized that the anti-religious struggle took place during the whole 20th century 'in many countries that are canonically part of the Moscow Patriarchate'. According to the church, 'making use of the martyrs and confessors of the faith bears witness of their opposition to the anti-religious struggle and not to the State itself'.

In this way the church has reconciled the Russian attachment to the Soviet state (which is synonymous with victorious power during the Second World War) with the memory of those who died for their faith. The presentation of the victims as heroes, discussed above, follows this logic. The church wants to bring together the whole of society. Even if ecclesiastical memorialization takes place in a climate of tension between memorializing all of the victims and nominating martyrs who died for their faith, the document of February 2011 indicates that the church remembers not only the new saints, but also 'all those who were victims of repression'. An observer[27] has concluded that even if Mikhail Fedotov, the president of the Council for Civil Society, described the program presented by Dimitri Medvedev as a project of national reconciliation, it is actually the church that attests more a concern for a reconciliation and a wish to overcome the country's tragic history. But does the church provide a full and fair account of history? Arseni Roginski wrote that all of the sculptures, chapels, crosses, standing stones perpetuate the memory

of the victims. But in this memory the image of the crimes is absent. The criminals are also not shown. There are victims of a tragedy whose origin and significance is beyond the reach of public opinion (Roginski, 2009, p. 122).

By mobilizing patriotic conscience, the church addresses the past in the only way that the whole of society can understand. But by speaking of repentance is it actually heard? Russians take little part in memorial events and debates within the church on these issues demonstrate that its way of reaching consensus in society is hardly more accepted than the way of reaching an agreement in terms of justice.

Notes

*Text translated by Lina Molokotos-Liederman.

1. In surveys conducted between 10 and 13 August 2007 by the Levada Center, a leading Russian non-governmental organization for the study of public opinion, only 42 per cent of respondents claimed that one should not forget the past (http://www.levada.ru/press/2007103001.html, accessed 6 December 2011).
2. The Russian Orthodox Church was separated from the state by the decree of 23 January 1918 and its property was nationalized on 23 February 1922. Symbolizing Tsarist power, the church was persecuted by the Bolsheviks in the early years after the revolution. It was the hardest hit during the Great Terror in 1937–38. After a truce during the Second World War, when Stalin mobilized the church for patriotic purposes, it was again strongly attacked by Nikita Khrushchev.
3. The analysis is based on surveys in Butovo and interviews with parish priests who, among others, addressed the issue of memory of the new martyrs; it is also based on the examination of documents published by the Synodal Commission on the canonization of new martyrs and an extensive interview with the priest who heads the committee responsible for the canonization of the new martyrs in the eparchy of Krasnodar (6 October 2009).
4. This chapter is a revised and expanded version of Rousselet (2011a).
5. In addition to the Butovo church referred to here, there is also the Church on Spilled Blood, built in Yekaterinburg, just a short walk from the Ipatiev house where Tsar Nicolas II, his family and a number of servants were killed the night of 16 July 1918. Boris Yeltsin ordered the destruction of the house in 1977.
6. It is likely that the number of victims is much higher. Lidia Golovkova, who works on memory books, estimates that approximately 90,000 people were executed.
7. The institution that succeeded the KGB.
8. The mass killings began in Butovo on 8 August 1937.
9. Interview of the author with Igor Garkavy, 6 December 2006.

10. 'Sviateishchi Patriarkh Kirill vpervye sovershil Bozhestvennuiu liturgiu na Butovskom Poligone', 23 May 2009, http://www.patriarchia.ru/db/print/652458.html (accessed 6 December 2011).
11. http://www.premier.gov.ru/eng/premier/press/ru/3587/ (accessed 6 December 2011).
12. The *prikaz* of Nikolai Ezhov, marking the beginning of mass repressions, became effective on 5 August 1937.
13. From 1865 to 1925.
14. Just like the martyrs Boris and Gleb, the imperial family has been canonized as having 'suffered for their faith' (*strastoterptsy*); they were not canonized because of their lives, but because of their exemplary deaths.
15. A schismatic movement in the 1920s favorable toward Soviet authorities.
16. The Orthodox Church Outside Russia resolved the question of canonization in a very different way: without access to archives, it relied on the two-volume book by Michael Polsky without ensuring, for example, that the martyrs mentioned were not in the Renovationist movement of the church or that they were not renegades. The canonization by the Orthodox Church Outside Russia of Christians who, in light of the archival documents, did not meet the criteria for the sanctity of the Russian Church, has created a stir among members of the Russian Orthodox Church.
17. Interview with A. Razumov, a historian specializing in the memory of Levashovo.
18. As a matter of fact, some remains found at Porosenkov Log were declared as belonging to the Tsarist family by several scientific committees. But the Orthodox hierarchy expressed its doubts about the expertise of these committees. At the last moment, the patriarch refused to take part in the official reburial of the Tsarist family in Saint Petersburg on 17 July 1998 (Rousselet, 2011b).
19. K. Kaleda, 'Obrashchenie k podvigu novomuchennikov – osnova dlia ob'edinenia naroda', http:/www.pravoslavie.ru/guest/040204122739, 2 April 2004 (accessed 8 October 2011).
20. Particularly during the explosion of rockets on 26 June 1973, 18 March 1980 and 15 October 2002.
21. During the explosion of a prototype rocket on the launch pad in 1960.
22. There are currently 3,418,428 names in this database, including the 900,000 victims of the Leningrad Blockade and the 2.5 million victims of Stalinist repression.
23. K. Kaleda, 'Obrashchenie k podvigu novomuchennikov – osnova dlya ob'edinenia naroda', http:/www.pravoslavie.ru/guest/040204122739, 4/2/2004 (accessed 8 October 2011).
24. http://www.president-sovet.ru/structure/group_5/materials/proposals_at_a_meeting_in_ekb (accessed 8 October 2011).
25. It states that 'in the future this programme could take a more European character: the whole of Europe was a victim, all of Europe was guilty of the tragedies of the 20th century: two world wars, two forms of totalitarianism and the heavy rupture, which has not been overcome all the way' (http://www.president-sovet.ru/structure/group_5/materials/proposals_at_a_meeting_in_ekb, accessed 8 October 2011).

26. 'O merakh po sokhraneniu pamiati novomuchenikov, ispovednikov i vsekh nevinno ot bogobortsev v gody goneni postradavshikh', http://www.patriarchia.ru/db/text/1400907.html (accessed 6 December 2011).
27. A. Diukov, director of the foundation 'Historical memory', 'Arkhiereiski sobor proiavlial nagliadnuiu zabotu o natsional'nom primirenii', http://www.rus-obr.ru/opinions/9507 (accessed 6 December 2011). His article was criticized in 'Arkhiereiski sobor o novomuchenikakh: opyty interpretatsii postanovlenia', http://taday.ru/text/888065.html (accessed 6 December 2011).

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3

‘You Still Live Far from the Motherland, but You Are Her Son, Her Daughter.’ War Memory and Soviet Mental Space (1945–2011)

Machteld Venken

Before our eyes we have the image of an uncomplicated Soviet person neglected abroad, soaking up the idea of brotherhood and solidarity, a patriot, left behind, wherever he was, in the battle for truth, freedom or peace (…) You still live far from the Motherland, but you are her son, her daughter!

In its November 1958 issue, the bulletin *Za Vozvrashchenie na Rodinu!* (For the Return to the Motherland!) encouraged former Soviet inhabitants who had settled in the Atlantic World after the Second World War to move back or visit their birthplaces.[1] The bulletin belonged to The Committee for Return to the Motherland (*Komitet za Vozvrashchenie na Rodinu* – the KVR), an organization set up by Soviet authorities during the Thaw. Since Soviet people living abroad had been perceived as clear enemies of the state by the Stalin regime, official contacts had been broken off. The softening of the regime facilitated contact making and enhanced traveling. The KVR was designed to play a pivotal role in the Soviet attempt to influence the minds of Soviet people abroad, in this sense creating a transnational mental space *avant la lettre*.

This chapter shows that immigrants from the Soviet Union who settled in Belgium after the Second World War were influenced by the way organizations such as the KVR represented what had happened during the war while constructing their narratives of war memory. Despite the Cold War context, that construction took place in a transnational way, that is, in constant negotiation with agencies of war memory articulation on both sides of the Iron Curtain. Traditional Cold War

historiography focuses on high politics being locked in conflict and confrontation, whereas newer research concentrates on practices of connection and interaction between members of societies in the East and West (Mitter and Major, 2004, p. 3; Autio-Sarasmo and Humphreys, 2010, p. 17). By applying this new perspective to research conducted on Soviet war memory, this chapter widens the frontiers of the geographical space scholars assume to have been affected by this war memory and by its reshuffling after the collapse of Communism.[2]

During the war, the Stalin doctrine had propagated a discourse of loyalty toward what it called the Motherland, and incited Soviet people to combat the real enemy of socialism: Fascism. Afterwards, the Soviets' victory over Germany served as the ultimate legitimacy of the Russian Revolution and the installation of the Soviet system. However, the Second World War had also caused spontaneous destalinization, since the Communist Party had not been able to control social life and had been forced to offer people more freedom of initiative.

In the post-war period, both in Western and Eastern Europe, official narratives reinterpreted the events of the Second World War through the perspective of the ongoing geopolitical crisis. The Western world was eager to equate Communism with Nazism and set itself the duty to contend with this new but similar form of totalitarianism, whereas in the Soviet Union, the Communist Party was afraid that the remembrance of war freedom would destabilize political life. It therefore silenced the war experiences of many individuals, including those citizens who had experienced (part of) their war outside of the Soviet Union. It also changed the meaning of Soviet propaganda concepts, stressing that the Soviets' continuous concern for peace in the world, brilliantly displayed through the Soviet Union's participation in the defeat of the Fascist Nazi regime, had been forgotten by Great Britain and the USA. The homogenizing societies from the Cold War period froze the diversity of narratives on Second World War memory. Standardized, top-down articulations of what the war had been like prevailed in societies for almost half a century. The end of this societal model re-awakened diverse narratives on Second World War memory, unheard or interpreted differently during the Cold War (Judt, 2002; Diner, 2007).

Since the 1990s, in the countries formerly described as being 'behind the Iron Curtain', repressed memories of many survivors of the Second World War have come to the fore. Researchers have started to interview war survivors, now that they are willing to speak about their past. Due to the weakened or even absent civil society, recent studies on the memory of the Second World War have tended to focus on the individual

(Grinchenko, 2004; Kis', 2007). Until now, scholars have considered the reshuffling of Soviet war memory to be a matter solely related to the physical space of the former Soviet Union and its satellite states.

I argue that we should broaden our mental map, thereby including Soviet inhabitants who experienced (part of) the Second World War outside of the Soviet Union and who settled in the West after the war. Existing literature on Communism casts serious doubts about the existence, in the Soviet Union, of any civil organizations whose function would have been to unite people holding the war memories that were put aside in the official Soviet narrative of the conflict (Fürst, 2004, p. 314; Kuromiya, 2004). For that reason, researching group formation process and group memory activities of such people in the Atlantic World is particularly important. Soviet authorities prevented voices from contradicting the official narrative on war memory and succeeded to a great extent within the Soviet Union. Understandably, the activities of Soviet citizens settled in the Atlantic World could pose a danger for Soviet authorities. Because they were living abroad, the construction of their own narratives on war memory was more difficult to obviate, while their travels to the Soviet Union made it possible for this counter narrative to be diffused within Soviet society.

It is therefore interesting to see to what extent a specific group of Soviet citizens in post-war Belgium, former *Ostarbeiterinnen*, gathered in immigrant organizations and constructed narratives on war memories within these organizations. How did they react to Soviet attempts to bring their narrative on war memory in line with the official Soviet one, and what initiatives did they take after the collapse of Communism? Based on archival research conducted at the former KVR in Moscow, on interviews with former *Ostarbeiterinnen* in Belgium, and on participant observation in their organization, this contribution displays the mechanisms of inclusion and exclusion which led the former *Ostarbeiterinnen* to be marginalized within Belgian and Soviet narratives on war memory during Communism. It also explains why Soviet authorities nevertheless had a special interest in maintaining contact with them, and how these women reacted to the geopolitical change of the early 1990s.

Former *Ostarbeiterinnen*: Soviet citizens living abroad

Ostarbeiterinnen were young women who were deported to Nazi Germany to do forced labor after the German invasion on 22 June 1941. They were mainly from what we today call Ukraine, although some were from the territory of the current Russian Federation or from what is now

Belarus. At the time, they counted for the largest group among the total of 2.5 million Soviet workers standing near the bottom rung of the Nazi racial ladder. Not only were *Ostarbeiterinnen* compelled to perform labor-intensive work, they also received limited amounts of food, had almost no access to health service and were discriminated against verbally. While at work, the young women met Western European deported workers, volunteers and prisoners of war. Although off duty contact between the groups was forbidden, love affairs flourished. After the end of the war, *Ostarbeiterinnen* were considered displaced persons and, following the Agreement of Yalta, were supposed to be repatriated (Ulrich, 1986; Poljan, 2002). About 4000 *Ostarbeiterinnen*, however, chose to travel with their Belgian partners to Belgium rather than be repatriated to the Soviet Union, where they feared being suspected of collaboration. A few couples married in Germany, but most were wed in Belgium, and all settled there.

I analyzed elsewhere how former *Ostarbeiterinnen*, when they married Belgian citizens, were required by Belgian citizenship law to exchange their original citizenship for that of their husbands. Marriage was a necessary condition to be allowed to stay in Belgium, although there were initially exceptions for women who were at least five months pregnant and for women whose children were under 18 months of age or were in a poor state of health. The former *Ostarbeiterinnen* became Belgian citizens because of marriage, but the Soviet Union did not permit Soviet citizens to change their citizenship. Contrary to Belgian citizenship law, Soviet citizenship law was not based on the idea of unity of citizenship in the family. Proclaiming the equality of men and women, it did not allow a mixed marriage that would make a Soviet woman dependent on her husband, and simply forbade all mixed marriages. Women born in the Soviet Union were lifelong Soviet citizens who were not able to renounce their initial citizenship. As a result, the *Ostarbeiterinnen* wives in Belgium were still considered Soviet citizens by Soviet diplomats in Belgium. In order to ensure good diplomatic relations, the Belgian state did not intervene when these diplomats became occasionally involved in the illegal repatriation of former *Ostarbeiterinnen* (Venken, 2010a).

As newcomers, former *Ostarbeiterinnen* initially held a position at the fringe of Belgian society. That invisible and marginal position would not change over the course of the Cold War for various reasons. First, the war experiences of these former *Ostarbeiterinnen* did not fit with the way in which official narratives on war memories were constructed, both in the Soviet Union and in Belgium. The official Soviet narrative on war memory presented Communist wartime activities as exemplary for the

virtuous patriotic nature of Soviet citizens, and war experiences deviating from this image were marginalized. It would, for example, keep silent about the deaths caused by Stalin's rule and would gag the people who had experienced atrocities from within the Third Reich (Tumarkin, 1994; Merridale, 2000; Sherlock, 2007). Belgium in its turn faced enormous internal divisions, which were only partially addressed in its post-war national narrative. Contrary to the situation in the First World War, Belgians had hardly fought on Belgian territory and resistance fighters were fewer in number than people supporting Nazi occupation. Moreover, cooperation with the Nazi regime differed in Flanders and Wallonia, given the common 'ethnic' Germanic background of Flemish and Germans appealed to during wartime, and the exclusive privileges granted to the Flemish. Nevertheless, in order to stimulate national collective identification, the narrative on war memory of the Belgian nation-state initially made Belgians believe that the whole nation had resisted the Nazi regime (Lagrou, 1999).

Second, official narratives on war memory paid little attention to the war experiences of women. Second-wave feminism in the Atlantic World already indicated many years ago the solely male representation in war memory, revealing that the suffering of men could be integrated more easily into national war memories than the suffering of women, because the former were related to virtuousness and honor for the nation-state, whereas the latter were often associated with shame. Feminist scholars analyzed how the war had shattered the stabilized pre-war gender order within society, and how official normative war memories aimed to re-install this order. Consequently, official war memories concentrated foremost on male virtuousness, that is, the identification of men with the (successful) defense of the nation. Women were less often portrayed. If they were, it was either as mothers and housewives, who were taking care of the homestead while their husbands were at the front, or as female dissidents who had made a mockery of the pre-war social norms of sexuality and had to be punished in order to purify the nation. Although women did play active roles during the war, in official war memories they were often omitted (Lenz, 2003; Diederichs, 2006).

Third, having grown up in the Soviet Union, many former *Ostarbeiterinnen* were ideological Communists, and Belgians with similar political convictions were few in number. The role of the Communist Party in Belgian politics was played out in 1947, when an electoral decline set in and the party became an innocuous onlooker in politics. Therefore, the 'Communists' in Belgium no longer needed to be combated, unlike in France for instance, where they played an important

role for a considerable period of time. Those inspired by Communism became marginalized and gathered in what I would call a partially developed 'fourth' pillar of the pillarized Belgian society, functioning largely beyond the three large (Catholic, Socialist and Liberal) pillars' field of action.[3] Within this pillar, organizations were developed with the help of the Soviet Union, such as the Belgian–Soviet Friendship Association for people born in Belgium, and the Association for Soviet Patriots – later Soviet Citizens (*Soiuz Sovetskikh Patriotov*, or SSP, later *Sovetskikh Grazhdan*, or SSG) for former *Ostarbeiterinnen*, organizations that were perceived by Belgians as harmless fringe phenomena.

When the SSP was established in 1946, it gathered interwar Soviet immigrants who were used by the Soviet Embassy to inspire others with Soviet ideology.[4] In 1947, a special women's department (*Zhenotdel*) was established that gathered former *Ostarbeiterinnen*.[5] Given the risk of repatriation that former *Ostarbeiterinnen* faced due to their dual citizenship, eyebrows might be raised at such organizational engagement. However, one should keep in mind that initially only about 15 former *Ostarbeiterinnen* gathered in the *Zhenotdels,* and that their names were never mentioned in the organization's bulletin *Sovetskiĭ Patriot*.[6]

Because of the lack of support from Belgian agencies of war memory and the popularity of Communist ideology among former *Ostarbeiterinnen*, their successful mobilization by the Soviet Union after the Thaw does not come as a surprise. When Khrushchëv opened official Soviet war memory to the war experiences of some other war survivors than Red Army soldiers, he also foresaw contact being established with former *Ostarbeiterinnen* living abroad. A crucial issue in this respect was their new right to travel to the Soviet Union. They could visit their relatives after the Soviet Embassy had approved their visa application. Interestingly, only former *Ostarbeiterinnen* involved in the SSG received a visa. Although membership was not a criterion mentioned on the visa form for completion, embassy personnel asked each individual for it.[7] Not surprisingly, the SSG's membership roll started to grow. In Ghent for instance, the SSG counted 20 members in 1955 and 80 in 1957.[8] By the early 1960s, the SSG counted more than 1000 members and had 13 regional departments.[9]

During a SSG Antwerp meeting I attended in January 2006, a member told me how her friend had become a member in those years. Becky's friend was from Herentals, a town one hour's train ride from Antwerp. They had worked together in Germany and had stayed in touch after settling in Belgium. Becky considered that her friend lived too far away to come to SSG gatherings. When she saw how her friend

had left the consul's office in tears after her visa had been refused, she decided to arrange a meeting between the consul and her friend at an evening party of the SSG. There, the consul had asked Becky if he should give her friend a visa. After Becky had approved this idea, her friend was allowed to go on holidays.[10]

It was not only the Soviet Embassy, but also the newly established KVR, which later changed its name to the 'Motherland Organization', that played an important role.[11] When a former *Ostarbeiterin* was denied the right to travel independently to the Soviet Union, she could still try to be invited by the Motherland Organization on an organized holiday.[12] Every year, the Motherland Organization invited about ten loyal SSG board members to the Soviet Union for free. On these holidays, board members learned how to proliferate the Soviet narrative on war memory among their members by means of Soviet propaganda songs, articles glorifying Soviet victory and commemoration services for the Soviet army.[13] Directors of the regional SSG choirs received musical instruction and members writing for the SSG's bulletin received training in journalism. The talks that the committee held with participants functioned as a source of control and policy adjustment. In 1973 for instance, a president explained that members immediately left the SSG when they were refused a visa, after which the Motherland Organization also started to invite non-board members.[14]

The Soviet Embassy engaged the SSG choirs on various occasions and always decided which songs should be sung. Therefore, their repertoire contained mainly Soviet propaganda songs, very often depicting the Soviets' Second World War victory. It created a situation in which the formation of a democratic organizational landscape as well as the construction of a specific group narrative on war memory among former *Ostarbeiterinnen* seemed to have been nipped in the bud. The narrative that the SSG articulated in the public sphere therefore aligned with the official Soviet narrative on war memory, although the individual war experiences of members were absent from it. SSG choir members articulated that narrative above all for fellow members, and occasionally during their concerts, for other Belgians.

Due to the cooperation between the SSG, the Motherland Organization and the Soviet Embassy in Belgium, it was in the interest of former *Ostarbeiterinnen* to behave as loyal members and not be too critical. Surprisingly, however, the members used the podium set up for them by the SSG, in cooperation with the Motherland Organization and the Soviet Embassy, to articulate their own war memories. I analyzed elsewhere how performing enabled the singers to transcend the linguistic

and cultural barriers of the lyrics that impeded them from enunciating their own narrative on war memory. In wartime Germany, some Soviet propaganda songs had been given alternative lyrics expressing hunger, homesickness and resistance. In the post-war period, the choir sang the original version of such songs, thereby silencing but not forgetting the accompanying second layers of meaning (Venken, 2010b).

Leonid Brezhnev took charge of the Soviet Union in 1964 and, by making the commemoration of the Second World War omnipresent, even increased its role for the legitimization of the Soviet regime. From 1985 onwards, Mikhaĭl Gorbachëv, with his policy of openness and transparency, allowed citizens in the Soviet Union to form civil society movements that started to criticize Soviet historiography. Movements like 'Memorial' first concentrated on Stalin's victims in the post-war period, and later on the war experiences of forgotten war survivors, such as the *Ostarbeiterinnen*.

Former *Ostarbeiterinnen* in Belgium: Soviet citizens without a Soviet Union?

After the eclipse of Communism, the group of former *Ostarbeiterinnen* stayed intact. They did not dissolve their organization, did not even rename it and their membership did not fall significantly. To this day, there is still an Association for Soviet Citizens in Belgium. It is all the more strange that all members lost their Soviet citizenship and opted to keep their Belgian citizenship when they were offered the choice between a Belgian or a Russian/Ukrainian/Byelorussian passport in the early 1990s, because holding dual citizenship was no longer possible. In the end, it appears that only the outdated concept of Soviet citizenship enables the members to define themselves as a group.

At the end of the 1990s, an international gathering of war survivors, having done forced labor during the Second World War, won a US court settlement, which resulted in the German government and German industries paying a war pension to (among others) former Soviet prisoners of war and former *Ostarbeiterinnen*. With the help of the Heinrich Böll Foundation and Memorial, possible candidates for disbursement were sought out and informed. Disbursement issues also aroused academic interest in the war experiences of these people. In these studies, all foreign laborers are collectively referred to as *Zwangarbeiter*, a concept often translated into English as 'forced' or even 'slave' laborers. Such a categorization created the impression that a homogeneous group of foreign laborers with similar war experiences existed, who could claim

victimhood similar to that of Holocaust survivors. In addition, touching on slavery, this narrative makes a decontextualized link with people of a totally different time period, who lived in a very different place. Despite the inaccuracy with which various people treated differently by the Nazi regime are nowadays grouped together, *Zwangarbeiter* became an officially institutionalized concept in German and Austrian politics (Herbert, 2001). This was echoed in the former Soviet Union, where the uncovering of formerly silenced war memories stimulated research and was used to push for a higher visibility and recognition of *Zwangarbeiter*. Since Putin came to power, such a liberal narrative of war memory has, however, become less frequent. The situation in contemporary Belarus is comparable to the one in the Russian Federation, but the Ukrainian state keeps on heavily investing in the gathering of oral testimonies of former *Ostarbeiterinnen* on its territory (Karner and Knat'ko, 2003; Timofeyeva, 2008).

Former *Ostarbeiterinnen* in Belgium received a war pension, which seems to have given them the self-confidence to speak up. In the wake of remembering the omnipresent Holocaust experience, the silenced war experiences of former *Ostarbeiterinnen* in Belgium are now beginning to be heard. The organizational activities of former *Ostarbeiterinnen* in Belgium have become a topic of interest for the Belgian local press, which narrates them as victims of the Nazi system.[15] In addition, the choir of the SSG is still performing. The performances at the Embassy of the Russian Federation are diminishing, but the choir members receive invitations from organizers of ethnic multicultural festivals in Brussels, Antwerp and Ghent. In Antwerp, for instance, they became known as the 'Russian Buena Vista Social Club'. Contrary to the continuation of their organizational structure, their narrative on war memory changed under the influence of the geopolitical upheaval.

I joined them at the Christmas Market in the Zurenborg neighborhood in Antwerp on 17 December 2007 and saw how the organization echoed that ethnified representation. That day, the choir conductor's grandson addressed the audience as follows:

> I just briefly want to say who we are. What we are is not necessary. That is already clear: Cossack yelling from the ex-Soviet Union! Here you hear the Russian variant of the Buena Vista Social Club, but instead of Cuban men over 80, you hear Russian and Ukrainian women over 80, and the Havana cigar has here been replaced by vodka. Cossack songs, songs from home, songs from the ex-Soviet Union, Russian songs, love songs, these and many more you will hear as long as the cold and our voices permit us to continue.[16]

The grandson gave a romanticized ethnic interpretation of 'who we are' by referring to 'Cossacks', 'The Buena Vista Social Club' and 'vodka'. The Buena Vista Social Club formed at the end of the 1990s, consisting of a group of old Cuban musicians and two younger American musicians who performed Cuban folk music and soon gained success thanks to their international concert tours. In addition, the grandson made a distinction between 'Russian' and 'Ukrainian' women, something choir members did not do during the Cold War era. The SSG presented themselves first as 'Soviets', and when they did not want to focus on the political connotation this entailed, they simplified it to 'Russians'; 'Ukrainian' was never used as a separate identifier. Last, the grandson blurred the word 'ex-Soviet Union' by only mentioning it after 'Cossack yelling' in the first case and sandwiching it between 'songs from home' and 'Russian songs' the second time. Not only was the presentation radically different from what the choir had performed during the Cold War, but also the repertoire differed, consisting mostly of Russian and – for the first time – Ukrainian folklore songs, together with a few Soviet propaganda songs.[17] All these songs received a musical restyling.

Three musicians accompanied the choir, as was the case during the Cold War era. While the musician had meticulously followed the scores during Communism, the three freely improvised on the spot after the end of the Cold War.[18] One of them is actually a Roma musician who frequently performs in Belgium and abroad. Although the combination of Russian and Ukrainian folk music, but especially of Soviet propaganda songs, with Roma music sounded strange, it was remarkably successful. After the concert, the choir received a warm round of applause and more than ten people came to ask me, recording the performance, whether they could buy a CD. 'It sounds so Romanian,' said a woman admiringly, and 'I did not know we also had our Buena Vista Social Club,' another commented enthusiastically. The music impressed the audience and nobody cared about the contents of the songs. They hardly seemed to react to words like 'comrade Voroshilov', referring to the army officer and later intimate friend of Stalin Kliment Efremovich Voroshilov, or phrases like 'the fame of those days shall never dim' recalling the victory of Bolshevist partisans over the White Guard, as the words were cloaked in Roma motifs. In fact, choir members were using here the same technique as during the Cold War: through performing, they added a layer of meaning to the propaganda lyrics that could attract the audience.

Similarly, by switching the repertoire to Russian and Ukrainian folk music and referring to media-popular Roma and Cuban folk music, the

grandson led the choir to its biggest success ever. Belgians embrace the vodka-drinking babushkas and exoticize them as 'our Buena Vista Social Club', and no longer focus on their politicized articulation of war experiences. In this way, the choir has become easily integrated in a post-Cold War narrative of ethnic transnationalism. Choir members themselves do not understand why 'all of a sudden' they are receiving so many invitations to perform. However, they are eager to continue, despite their advanced years. Being offered a podium to sing has certainly led to a higher visibility of the former *Ostarbeiterinnen* in the public sphere, although their war experiences are seldom brought up for discussion.

Conclusion

This chapter is not primarily about forgetfulness, or about giving the marginalized a voice and bringing them from the shadow into the light, which is the purpose of many oral history projects on forgotten war survivors. What I would like to offer in the first place is an understanding of the various processes through which former *Ostarbeiterinnen* in Belgium remembered their war experiences over the years during and after the Cold War. The Soviet Union appeared to have been very influential in the former *Ostarbeiterinnen*'s articulation of war memories. Therefore, this contribution widens the frontiers of that geographical space scholars assume to have been affected by Soviet war memory and its reshuffling since the 1990s.

During the Thaw, the Soviet Union started to concentrate, among other things, on influencing the minds of its Soviet citizens living abroad. Among former *Ostarbeiterinnen* settled in Belgium, that strategy appeared to be successful, because active participation in a Soviet-controlled organization, the Association of Soviet Citizens, was the only way of securing a visa to travel home. For this reason, they seem to have been dominated by official Soviet agencies of war memory, and did not seem to have had the opportunity to enunciate their own narrative of war memory. Since Communist ideology was not popular in Belgium, Belgians were not particularly supportive either. Despite the high level of control from Soviet authorities, however, the former *Ostarbeiterinnen* always found room (no matter how limited it was) for counter-narration. They managed, for instance, to use a podium set up for the proliferation of Soviet propaganda songs in order to turn upside down the literary meanings of lyrics through 'deviant' performative techniques.

Post-Communist Europe exchanged politically inspired narratives for those centered on ethnicity and victimhood. In such a context,

formerly invisible and marginalized *Ostarbeiterinnen* have come to the fore. Ethnified as singing babushkas, the former *Ostarbeiterinnen* settled in Belgium are nowadays more popular than ever before. Through their collaboration with a Roma musician, they can use the same deviant performative techniques as before to make the audience listen to old-fashioned Soviet propaganda songs expressing their war memories.

Notes

1. *Za Vozvrashchenie na Rodinu! (For the Return to the Motherland!)* 4/86 (277) (11.1958) 1.
2. The research for this chapter was financed by the Flemish Fund for Scientific Research, and resulted in my published PhD study (Venken, 2011a). A short overview of this study can be found in (Venken, 2011b).
3. Pillarization refers to the vertical segregation of Belgian society into three large pillars according to political conviction. The pillars consisted not only of political parties, but also of various social institutions such as trade unions, universities, sport clubs, in this way making themselves self-sustainable. Once part of a pillar, contact with people from 'outside' was often limited.
4. *Sovetskiĭ Patriot* 3/12-13 (11.1947) 5.
5. *Sovetskiĭ Patriot* 3/12-13 (11.1947) 9; Interview with Wendy on 6 November 2066. All the interviewees have been given fictitious names. The interviews are archived in the Centre for Historical Research and Documentation on War and Contemporary Society in Brussels (further Ceges-Soma).
6. *Sovetskiĭ Patriot* 3/12-13 (11.1947) 9; Private archive of the SSG Ghent choir conductor, Hospitaalstraat 3, Ghent, report 'Soiuz Sovetskikh Grazhdan v Bel'gii', s.d., 3 p. In 1980, *Sovetskiĭ Patriot* would change to simply *Patriot.*
7. See for instance the interview with Maddy on 22 September 2005.
8. Archive the Ghent choir conductor, report 'Soiuz Sovetskikh Grazhdan v Bel'gii', s.d., p. 3.
9. *Sovetskiĭ Patriot* 19/13 (367) (1964) 13.
10. Participant Observation on 22 January 2007.
11. In 1959, KVR would change into The Committee for Return to the Motherland and the development of cultural ties with countrymen living abroad (Komitet za Vozvrashchenie na Rodinu i razvitie kul'turnykh sviazeĭ s sootechestvennikami za Rubezhom – further KVRRKSSR). In 1963, KVRRKSSR would become The Soviet Committee for cultural ties with countrymen living abroad (Sovetskiĭ Komitet po kul'turnykh sviaziam s sootechestvennikami za Rubezhom – further SKKSSR). In 1975, SKKSSR would change into The Soviet Organisation for cultural ties with countrymen living abroad – Organisation 'The Motherland' (Sovetskoe Obshchestvo po kul'turnykh sviaziam s sootechestvennikami za Rubezhom – Obshchestvo 'Rodina' – further the Motherland Organisation). In 1992, the Motherland Organisation would turn into the Association for ties with countrymen living abroad – Association 'The Motherland' (Assotsiatsiia po sviaziam s sootechestvennikami za Rubezhom – Assotsiatsiia 'Rodina' – further the

Motherland Association (Archive the Motherland Association, Moscow, 50 Let Sluzheniia Rodine 3, 5, 6).

12. Archive The Motherland Association, Map D-053 Bel'giia SSG – Spravki i kharakteristiki na otdel'nych lits, Spravka na SSG gor. Booma 13.9.1965.
13. Interview with Debby on 20 July 2006; Archive The Motherland Association, Map Bel'giia SSG. Perepiska s ts. P. SST, Spravka o besede s Pigarevoĭ M. F. i Ventsel' 4.8.1965 g.; *Sovetskiĭ Patriot* 26/516 (4.1971) 13.
14. Archive The Motherland Association, D-053 Bel'giia SSG – Spravki i kharakteristiki na otdel'nych lits, Spravka Chentsovoĭ E.N. (1973) 3.
15. *Gazet van Zurenborg* 2 (3.2006) 4-5, 'Elke week een stukje Rusland in Zurenborg'; *Gazet van Zurenborg* 3 (7-8.2006) 6, 'Russische vrouwen bedanken met kaviaar en vodka'; *Gazet van Antwerpen* 3.4.2006 (Metropool 13), 'Atlasgebouw feestelijk geopend'; *De Zondag, Regionaal Nieuws Antwerpen* 2.4.2006 (7), 'Massa volk en veel sfeer voor multicultureel feest bij opening'.
16. Sound recording on 17 December 2006. Sound recordings are also archived at Ceges-Soma.
17. Sound recordings: *Oh, on the Mountain the Mowers Mow*, *The Wind Bents a shoot*, *Across the Steppes*, *Slender Rowan Tree*, *On the Mountain Stands a Guelder Rose*, *A Long Way*, *Through Valleys and Over Hills*, *Hawkers*, *Farmers, Hitch the Horses*, *While Fishing*.
18. Interview with Debby on 20 July 2006.

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4

Pilgrimages to the Edge of the Fallen Empire – An Anthropological Study of Finnish and Hungarian Pilgrimages to Second World War Memorials in Post-Soviet Russia

Eva Fisli and Jocelyn Parot

War memorials can foster group identities and become catalysts of conflicted relationships. One aspect of the Tallinn Bronze Soldier Affair in 2007, for example, was the confrontation of the Soviet Imperial past with nationally framed memories. During the dissolution of the Soviet Union, and particularly in the early 1990s, access to Second World War battlefields located on Russian soil became possible. Subsequently, a whole range of initiatives were launched by various 'agents of remembrance' (Winter and Sivan, 1999) from other countries. As a result, hundreds of memorials and military cemeteries were constructed. What do these monuments stand for? What are their symbolic values? Can we observe any appropriation process, whereby these monuments might be used to strengthen feelings of belonging?

To address those questions, we move the focus from the memorials themselves to the people who maintain them. Based on empirical evidence provided by the Finnish and the Hungarian cases, this chapter reframes a whole host of interrelated commemorative actions as constitutive of a single process, that of remembrance of the war dead. It argues that this process is characterized by travel as a core experience, and can thus be classified as a pilgrimage. Drawing on its etymology (*peregrinatio*), we define pilgrimage as travel abroad to a sacred shrine: its aim is to grieve individually or collectively and/or to pay tribute to the dead.

This chapter examines to what extent sites of remembrance can be sanctified and used to foster collective identification. Yet even in the

case of a collective action motivated by nationalism, the outcome can be 'divergent practices of memory that complicate, expand and often transcend dominant modes of historical representation in new and distinct ways' (Schwenkel, 2006, p. 5). Thus, this process also has humanitarian outcomes, clearly separate from a national community-oriented perspective. Consequently, this paper considers the concept of nationality not as a causal explaining category, but rather as a fact that is built through constantly renewing and intermingling material and symbolic connections.

We shall first justify a bottom-up research methodology that leads to the merging of two separate research initiatives. Subsequently, through an account of the fieldwork carried out during the pilgrimages, we will focus on the insertion of the war dead into a national genealogy. However, as the third part demonstrates, in both cases the commemorative processes at stake are infused with humanitarian dynamics rather than patriotic principles.

Why, and how, to compare two different pilgrimages?

A bottom-up comparison

The justification for the comparison of the two cases arose from the research fields themselves, based on two reasons. The first is the similarity of the memorial infrastructure. The second is the cross-references to other groups from other countries doing 'the same thing', as we observed in fieldwork.

Comparable infrastructure

Neither of the authors had been aware of the studies carried out by the other at the time of the enquiry. Yet both were interested in considering collective memory not as a representation, but rather as a mediated relationship to material recollections of the past. The authors were thus open to addressing the issue of remembrance as an intentional act performed by a collective. How do these collectives themselves consider the activity of 'cherishing the memory of war dead'? Which gestures, actions and postures do the group members rely on to accomplish what they call their 'duty to remember'? What are the commemorative practices developed in direct correlation with the remembrance of Second World War soldiers? The first step in the research had to be to visit the battlefields.

The first remark regarding the similarity of Hungarian and Finnish memorials in Russia is that an area itself is sanctified as a holy memorial

site: it is both a battlefield and a mass graveyard containing sacred bones.

Among the war memorials built by the Finns after 1991 (about 70), there are only bare memorial stones. On the sites of the mass graves (seven), two-meter-high granite stones have been erected, the shape of which could be reminiscent of a traumatic experience: they are broken in half. Symbolically, a whole piece has been carved out of the block. In a similar way, most of the epitaphs read as follows: 'Field cemetery. In memory of the Finnish soldiers who fell during the Second World War and who rest here.' There is no mention of either the former enemy, or the ideal of defending the Fatherland. There are however a couple of exceptions, on the following model: 'Heroes' grave. Here lie the dead heroes as well as unknown soldiers that fell in the 1939–1944 war and for the Fatherland. May their sacrifice be honored.'

On the Hungarian side, the material used is quite different, since the crosses and the pillars are made of wood. The first war memorial was a column carved by a Calvinist priest (Horváth, 1991/2, pp. 31–2). It was erected in 1991, in the yard of the Orthodox Church in Repiewka, by a group of battlefield pilgrims. During the 1990s, several crosses were placed in the former military cemeteries. Most often, the inscriptions are as short as the following: '2nd Hungarian Army. 1942–43'. This contrasts with the inscription found at a similar site in the Ukraine: 'For the heroes of the 1st Hungarian Army.' The two main military cemeteries are full of symbols. On the Boldirevka site, which was the first Hungarian central military cemetery in Russia and which was inaugurated in 1997, the wooden memorial is shaped like the Hungarian holy crown. On this site, there are seven wooden columns with folkloric signs that symbolize manhood and heroism, a broken prism to symbolize the broken lives, and a globe to represent global peace (Békés, 1998, pp. 39–40). The visitor enters through a huge Gate of Reconciliation with special Szekler ornaments symbolizing the 'interdependency of peoples' (Ravasz, 2007, p. 164). The Rudkino central military cemetery (2003) displays commemorative plaques with a list of the soldiers' names and double crosses, historical symbols of the Hungarian state used in the military cemeteries during the Second World War.

In the former Soviet prisoners' camp, until 2006 there were more than 180 graveyards marked by double crosses and a plaque with an inscription (in three different versions): either 'Here lie Hungarian Prisoners Of War [POW], victims of WWII', or 'Here lie Hungarian civilian victims of WWII', or 'Here lie Hungarian Prisoners of War and civilians, victims of WWII'. Altogether the design is quite different; however, the

textual corpus that can be read on the ground is no more patriotic or figurative than in the Finnish case. These similarities constitute an initial incentive to consider both Finnish and Hungarian battlefield memorials as destinations for war pilgrimages. They were built as places where it would be easy to pay tribute to those who went missing during the war.

Cross references, 'doing the same thing'

The second step was to consider the groups linked to this infrastructure and to select focus groups. The phenomena under consideration are in no way quantitatively large. According to the estimations provided in Blinnikka (2004) and if the participants in the burial ceremonies are included, merely 3000 Finns would have been involved in digging or maintaining monuments in the last 20 years, either within or outside the institutional framework designed by the Ministry of Education. The Finnish group chosen as a case study is the Veteran League-founded and state-supported 'Association for the Cherishing of the Memory of War Victims' (SMY). The association itself considers that its activities were probably carried out by a total of 300 activists. But those who were involved on a regular basis were fewer, about 60 people only.

In the Hungarian case, we are also dealing with limited figures. The first group of pilgrims, in late July 1990, was composed of 33 people led by Tibor Mártha. On the way back to Hungary, this group (Group M1) decided to create a 'Foundation for the Maintenance of the Hungarian War Cemeteries by the Don River' (DMMHA). In the following years, the DMMHA organized several pilgrimages: up to August 2007, 28 groups had made their way to the Don River Battlefield, each accounting for five to eight pilgrims (Mártha, 2007, p. 233). In May and June 1991, there were two additional groups (groups B1-2 organized by Zoltán Bobory). This means altogether the pilgrims amount to fewer than 500. However, beyond the significant groups who did much for finding and naming the shrines, there were also 'passive' groups who just visited these places.

Even if these are quantitatively marginal activities, one should not underestimate the importance attached to these actions in each national sphere. In Finland, several reports have been broadcast on national TV during the evening news, and numerous articles on the subject have been published in national and regional newspapers. In Hungary, group B is closely tied to a bigger organization, the 'Society of the Don Comrades', an association of veterans, as well as to the 'Knightly Order of Vitéz' (KOV), which was created by Regent Horthy in the 1920s and recreated in Hungary in the early 1990s.[1] In 1993, some volunteers built a chapel in Hungary, dedicated to the fallen by the Don River. The

shrine, which is close to another national memorial in Pákozd, was inaugurated by the president of the republic. During its existence, the chapel has housed several commemorations. At the front of the chapel the KOV erected a wooden column to Horthy's son, who died at war. Since the early 1990s, special commemorations have been held there yearly. On 31 October 1999, an unknown soldier fallen in the former Soviet Union was reburied in front of the Pákozd chapel. According to the inscriptions, the shrine is 'in honour of the heroes of the battles near the Don'. However, the chapel is obviously used by several other organizations and family members. It can be interpreted as the joint expression of private grief and various forms of public mourning. Several articles about the activity of group M as well as the DMMHA have been published and various reports were broadcast on the national TV channel and radio. A weekly TV program (*Where are they buried?*) has been shown on the national TV channel since 2006. It combines a service for identifying the missing, with reports about the commemorations linked to Hungarian war graves all over the world. To sum up, although the above-mentioned active groups seem marginal, their activity involves a considerable number of associations and actors.

Both focus groups claim to be doing something identical to what others elsewhere are doing. The Finnish volunteers often refer to other 'memory cherishing' actions in other countries (Lindeman, 1999). But they are also well aware of the Soviet and then Russian memorials built in their own country. Moreover, some of their active members also had a personal experience of the repatriation of soldiers' corpses during United Nations missions, in Lebanon for example. Another striking example is the memorial to the Finnish POWs who died in Karaganda, Kazakhstan. A monument was built between two others: one dedicated to French soldiers who died in the same camp, and another one to the Japanese POWs. During an interview with the representatives of the Finnish association, it was the very first topic that was raised, to demonstrate that the same commemorative practices are performed in various contexts. In the Hungarian case, we must mention the Italian stone memorial in a prisoners' camp in Russia. The stone was placed next to the Hungarian wooden cross in 1995. This cross-referencing dynamic can be considered as an agent-provided incentive to raise the issue of comparison.

Two specific commemorative processes

There are two major differences between the two commemorative processes, regarding their geographical dimension and their approach to the remains of dead soldiers.

Border region versus distant region

As for the visited regions, 'abroad' does not have the same meaning for the groups. In the Hungarian case, the aim of the pilgrimages is the Voronezh region, and especially the Don River Bends. Traveling there takes up to several days, and is a challenge for all participants.

The Voronezh region is the section of the Eastern Front where the 2nd Hungarian Army fought in the German alliance, and was defeated by the Soviets. The total human loss was about 120,000 Hungarian men (Stark, 1989, p. 11). A controversial book by I. Nemeskürty, published in 1972 (*Requiem for an Army*), first raised questions around this topic. The author argued that the soldiers were victims of their guilty army leaders and politicians, and that the country should mourn them. At the end of the 1970s, the film-maker Sándor Sára and the writer Sándor Csoóri started to shoot a documentary with the survivors. Their TV series was banned[2] and the book containing the interviews was withdrawn from circulation in 1983. However, a shorter version was screened in a cinema and an edited version of the book was published in 1988. According to them, the Don River Bend is a kind of 'Hungarian Apocalypse', a taboo that needs to be broken. This vision of the past was essential to the decision by Zoltán Bobory, a performer, who developed the idea of a pilgrimage and a so-called 'peace-train'.

By comparison, the field trips from Finland are not especially demanding logistically. The sites are mostly located in the border area, a few hours' drive from Helsinki. However, once on the Russian side, the road infrastructure is still rudimentary in some sectors. Generally speaking, the volunteers have to plan on spending a whole weekend to complete their mission. During the summer, some longer trips are planned (one week maximum). The search teams' expenses (300 euro per person on average) are covered by the association. In this respect, the term 'pilgrimage' may seem exaggerated, especially if we refer to the medieval origins of the word. Nevertheless, by contemporary standards, these journeys represent a symbolic sacrifice, as is confirmed in the interviews: leisure time is spent on an activity that is perceived as a duty.

Repatriation versus Military cemeteries

Another substantial difference is that the Finnish commemorative process is based, for historical and cultural reasons, on the repatriation of the remains of dead soldiers. Indeed, during the Winter War period (November 1939–March 1940), the Finnish Army headquarters made the decision to bring home the remains of all the soldiers killed in

action. A recent dissertation claims that the decision was partly based on the Finnish Civil War experience (Kemppainen, 2006): at the end of the 1918 conflict, Reds were executed and buried in mass graves without even a blessing, a punishment for the Red Terror in which they allegedly participated. This is why many families were unable to mourn the victims, causing in turn a collective trauma (Peltonen, 2003). For this reason, the Finnish Army tried, during the Second World War, to return the remains of every single dead soldier to their families. This is why the vast majority of the 622 military cemeteries built around the country are situated either within or next to ordinary civil cemeteries (Lindeman, 1999, p. 2). Only the unidentified remains of soldiers lying in the mass graves from the final phase of the Continuation War (1941–44) have not been repatriated.[3]

As for Hungary, in 1915 the Ministry of Defense of the Austro-Hungarian Empire in Vienna created the so-called 'Central War Graves Department'. Its main task was to collect the remains buried in the operational area, and to transport them to their final burial ground. Soon after the Great War, a special department in the Hungarian Ministry for Military Affairs in Budapest became responsible for the war graves, and took care of the widows and orphans. It included a 'Superintendence of the Heroes' cemeteries' that can be considered as the precursor of the War Graves Commission (Abonyi, 2006, p. 15). During the first phase of the Second World War, priests and clergymen buried soldiers on the battlefields. Since 1942, there has been a special registration service for this task. In 1946, the Ministry of Defense intended to repatriate the remains of fallen soldiers, but they soon dropped this question. The ruling Communist party erected memorials to the Soviet liberators. From the 1960s, about 35,000 war graves disappeared from the cemeteries of Budapest: they were sold and reused for other dead. To sum up, the commemorative practices that had emerged following the Great War in Hungary were limited in the aftermath of the Second World War. Public mourning of dead Hungarian soldiers was practically impossible until the first commemorations in 1989 and 1990, when almost every town renovated its Great War memorial and added the names of the Second World War dead. This was also the year when the first Hungarian battlefield pilgrims visited Voronezh.

Similar institutional frameworks

Although there are significant differences between the two cases, the comparative approach is justified by the identical timeframe of the

genesis of these battlefield pilgrimages, and by parallel patterns of institutionalization.

Chronology

In both cases, the initiative emerged from the non-governmental sector through the network of war veterans' associations. It subsequently became a diplomatic matter rather than a political one.

In Hungary, the battlefield pilgrimages should be considered in the context of the post-Communist transition. They are somewhat spontaneous movements that first occurred in reaction to the political transition. In 1991, bilateral negotiations between Russia and Hungary were initiated. Four years later, an agreement on the mutual treatment of war graves was signed. Both partners agreed to tend the tombs of those soldiers who died in their territory. The exhumations started and two central Hungarian cemeteries were established in Boldirevka and in Rudkino. They are designed to serve as commemorative sites for a total of 50,000 soldiers.

As for Finland, the process was longer but the same logic prevailed, with *Perestroika* being the decisive factor. In 1984–85, Teuvo Alava, a Second World War POW and veterans' league activist, publicly complained that the state had been sponsoring memorials for the Soviet soldiers, but not for the Finns who had died in captivity. However, the War Prisoners Association itself first rejected the initiative as being too risky for Finnish–Soviet relations (Blinnikka, 2004, p. 150). Governmental support was finally granted in 1985 for the first collective monument ever built in memory of the Finnish Second World War POWs. Nevertheless it was not until the end of the Cold War that building a memorial *in situ* became possible. The project became a theme used by Gorbachev's diplomacy: on 28 November 1989, on the day of the 50th anniversary of the Winter War, the Soviet Embassy announced the decision to allow Finns to build memorials in Cherepovets and Karaganda. This decision opened the door to a long tradition of cooperation. After an initial emphasis on prisoners' camp memorials, the focus shifted to battlefield monuments and later to the repatriation of soldiers' remains. In July 1992, both foreign ministers co-signed a 'treaty of cooperation for cherishing the memory of both the Finnish soldiers fallen in Russia and the Russian (Soviet) soldiers fallen in Finland as a consequence of the Second World War'. The SMY was established in 1998, to enact the treaty. During this six-year period before SMY was founded, the veterans' and reservists associations organized the repatriation actions. Yet the lack of coordination was a key reason to found a new association.

High degree of institutionalization

Another parallel between the two cases is that there are institutional constraints that limit the pilgrimage to a predefined range of possibilities. The maintenance of the war cemeteries is covered by international humanitarian law that standardizes the treatment of dead soldiers. War graves registration services developed worldwide.

In Hungary, it was only in 1993 that the 'Office of Military Traditions' was organized within the Ministry of Defense. Since October 1997, it has been named as the War Graves Commission. It initially had two major functions: reaching an agreement with Russia on war graves, and subsequently reaching a similar agreement with Germany. In late 1999, it was reorganized. Today the War Graves Commission is a central state institution, and falls under the control of the Museum of Military History. Since 2000, this commission has also taken total responsibility for the graves in Hungary. In terms of international activity, there are bilateral agreements on mutual maintaining of war graves with six countries, and cooperation has also started with others. According to the commission's website, a lack of funds, rather than good intentions, is the only obstacle to signing further agreements. A special database on war graves is available on the new homepage of the commission (www.hadisir.hu). Since 2001, any objects and findings from Hungarian war graves exhumed in Russia should be sent to the Museum of Military History (following the exhumation of the remains transported to military cemeteries).

As for the Finnish association, the Veterans' leagues are represented on the Board of Administration. In 2003, the Ministry of Education covered up to 67 per cent of the budget, with complementary income from membership and the support of various foundations. The minister also has a crucial say: the ministerial mandate for the activities abroad has to be extended each year (Karpela and Mattlin, 2004). The legislation contains many reciprocal clauses: according to the 1992 bilateral treaty, not only should the Finnish soldiers' mass graves in Russia be maintained, but the mass graves of Russian soldiers situated on Finnish territory are also mentioned. It is incumbent on both governments to protect the mass graves, cemeteries and monuments from any disturbance. This is a consequence of the Geneva Conventions of 12 August 1949, relative to the Protection of Victims of Non-International Armed Conflicts, and to its 'principles of humanism'. This institutional framing means that any action that might jeopardize the mourning function of the association is excluded. A striking example was when the association had to renounce their participation in building a memorial for the Finnish SS-soldiers in

the Ukraine. The minister of culture expressed his concerns that this monument could spark misunderstandings in the local context, where it could be linked to the memories of German occupation. The institutional frame restricts the range of possibilities. Yet it does not impact the interactive content of the commemorative process itself.

National genealogy: Celebrating the heroes, re-enacting the war

The pilgrim community: Liminality and *communitas*

Through the journey to a distant holy place, the pilgrim is separated from the rule-governed structures of humdrum social life and becomes both geographically and socially marginal. Turner argues that pilgrimage centers are frequently found in peripheral locations distinct from centers of political and economic influence. They are 'a threshold', a place and moment 'in and out of time' where 'direct experience to the sacred, invisible or supernatural order' can be expected (Turner, 1969, p. 197). The pilgrimage shrine is spatially liminal 'liminality' is defined as the condition of the persons participating in a ritual, who have symbolically left a given space or social state, but have not yet integrated into a new one. They are on the edge, between two social worlds (Turner, 1969, p. 107).

Interviews, documentary films, newspaper articles and memoirs show that the travel experience is the core action in this extra-national commemorative process. It is precisely journeying and the constant possibility of encountering the new that distinguishes pilgrimage from other forms of ritual (Coleman and Eisner, 1995, p. 206). In this respect, the cross-border dimension of the journey to the historical battlefields strengthens the feeling of liminality. The perspective of journeying into an exotic, even hostile, environment is a fundamental motivation. A feature shared in both focus groups is the fundamental otherness attributed to the Russian society. During the trips, pilgrims have only very limited contact with local populations. They never use local public transport, but rather travel either in their own minivans or in buses rented from domestic travel agencies.

This shared feeling of liminality generates *communitas*: 'a relational quality of full unmediated communication, even communion' with other individuals, 'which combines the qualities of lowliness, sacredness, homogeneity, and comradeship' (Turner and Turner, 1978, p. 250). Two dimensions can explain this strong sense of community in the Finnish cases: the shared professional interest and the shared interest

in military history. This is demonstrated by the fact that the majority of the committed Finnish volunteers are members of the reserve force, policemen or retired military personnel. They share the same professional interest. They are also from the same area: an internal document from 1995 lists the addresses of the 58 most active volunteers. Among them, 35 are from the capital city itself and 51 from the agglomeration of Helsinki. They are actually a tightly bound group: according to the background interviews, a core group of a dozen of them consider themselves as friends, and meet regularly.

Re-enacting the war on the battlefields

Apart from the construction of monuments, the Finnish association's goal is to look for the soldiers killed in action and to repatriate their remains to the Fatherland. This is presented as a way to end 'our last wars'. The volunteers are organized into search teams, following a military configuration. The team leader is generally an army officer or a retired member of army personnel. Contrary to the ceremonies that are marked by a high degree of formality and a delicate sense of etiquette, the field trips are characterized by spontaneous acts of remembrance. In each area that is covered, the volunteers share their knowledge of the course of the battles. All the members are invariably passionate about tactics and military history. The leaders systematically gather the whole group around them at specific landmarks, be they a monument or a bunker. These are used as reminders that sustain storytelling. They are maintained and their surroundings are cleaned during spring and summer trips. Other group members not only display all the physical attributes of a posture of careful listening. They are also busy accounting for both their pre-existing and accumulated knowledge. After an initial exposé on the military events, and their suggested consequences regarding the searches, an implicit requirement leads each member of the group to express his own understanding of the tactics on the battlefield.

The Finnish volunteers have all confirmed in face-to-face interviews that they take a genuine interest in military history. Most of them are also members of war history societies. During the trips, there are exchanges of books, typically not scholarly research, but rather non-fictional accounts for a large public. There is a shared desire to re-enact the war. This is also visible through the legitimizing statement that the same old tradition has to be pursued to the end, until there is no dead soldier waiting to be honored outside of the homeland: 'That is our tradition. Finns were carried home during the war, no one was left behind.'

War is symbolically resumed just in order to be properly concluded (Blinnikka, 2004, pp. 82–84).

The logic of the Hungarian pilgrims is quite different. Their itineraries are based on personal interest. On each former cemetery little crosses, candles, flowers, photos and ribbons with the national colors are used. Even if the pilgrims find themselves on some old sites with damaged crosses, they start to commemorate. This is a sign of a fierce will to achieve the goal of commemorating the dead. Some actions taken by these early pilgrims have been labeled 'barefoot diplomacy'. In some cases, they have indeed been closer to commando actions.

Celebrating the heroes: The sacred remains

The topic of the dead heroes provides a focus for the pilgrimages and the deceased are raised to the status of national heroes (Reader and Walter, 1993, pp. 17–21).

In the Finnish case, the prominent existing ritual is the trip to place the remains in the coffin and the removal back to Finland. The homecoming of remains has actually been studied in other contexts with a national framing. Katherine Verdery studied some examples of political necrophilia in the post-socialist context; she demonstrated how corpses may be granted political status through reburial ceremonies. The bones of the Second World War soldiers that were exhumed in Serbian villages at the time of the break-up of Yugoslavia were used to exhibit the channels of intergenerational solidarity, and to revise national genealogies (Verdery, 1999, p. 100). In Finland, bone collectors have also inserted the Second World War heroes into a national lineage. This mechanism is especially visible during the 'coffin trip'. The centrality of this event in the repatriation process should not be underestimated. When asked about his motivations for volunteering, here is what Jani, a 51-year-old engineer, replied:

> Both my parents are from the Karelian Isthmus. [...] I went on a trip there in the early 1990s and once there we went to the battlefields. In the 1990s, it was still difficult to get there. [...] That was... well... a reservists' organization trip. [...] war history freaks... [...] There we saw the defense positions and the battlegrounds where Finns had fought. Then such a feeling emerged, that it was something important, that I had to help. I understood that they had defended the country to the last man, and that this was not due to good defense positions, but rather to their will to defend. And... since the wars, the Finnish soldiers have really had a motto

> like 'no boy should be left behind' [...]. For the generations that follow, this duty remains.

Transporting the remains back to the Fatherland is presented as a sacred duty. During the 'coffin trip', the remains are collected and placed in tiny white coffins. After a religious service, the coffins are placed in a bus that carries them home to the Fatherland. This happens in a religious setting, in the main Lutheran church of Vyborg, where a special funeral service is then celebrated. During the journey back to Finland, the volunteers and representatives of the association traveling in the bus tirelessly give toasts to honor the memory of 'the chaps lying in the trunk'.

In Hungary, there is a parallel dynamic of including the sacred dead in national genealogy. After the fall of the Communist regime, there has been a search for continuity: the organizations that are concerned with the perpetuation of the military tradition are close to the present-day army. This revival of military heroism has been witnessed in several instances during a trip to the Don Chapel in Hungary, and also during the commemorations of the anniversaries of the defeat at the Don River Bend.

Family genealogy: Mourning dead parents, ending the war

Mourning dead parents: The Hungarian case

In 1991, the majority of the pilgrims were looking for the tombs of their relatives. The organization of the journeys was not easy at all. The Hungarian group's leaders repeatedly wrote how difficult it was to get permission to enter the Soviet Union. They started negotiating and publishing calls for the journey in several Hungarian newspapers in 1988. This civil initiative emerged gradually as an opposition to the Communist authorities.

When the first group B finally set off for the journey in May 1991, it got support from two tourist offices. Once the group arrived at the former battlefields, the itinerary was developed on a more personal basis. The pilgrims themselves chose the shrines of the pilgrimage. It is worth listing the kind of objects that were taken by the pilgrims on the journey: wood (for crosses), soil, old military maps, pictures and letters from the deceased. One should note that the pictures play a special role in this instance, as they provide topographical information, and act as mirrors of the past and also tools of communication with local people. People from different parts of the country, who do not know each other, gradually become a mourning community through sharing their pain.

There are many photos depicting their shared emotions. The pilgrims try to keep this community alive after their journeys. Many of them meet later for the projection of the documentary films or at the regular meeting of the 'Society of Don Comrades'.

According to the notes of the journalist who witnessed the pilgrimage of the group M in 1991, the first symbolic reburial was that of the father of a 50-year-old engineer in Ostrogoszhk. The way the son acted on the spot said much about his grief. He placed a half burnt candle on the symbolic tomb.

It is a special candle – he is speaking to the people around him – I lighted it first on 30 June 1991, at the beautiful ceremony held on Freedom Day, in Gödöllő. My family was also there. I then decided to come here as a free citizen of a free country, to come to this place where my father died and to place this candle on his tomb. He puts a family picture on the cross next to the wreath. In this photo, he is still a baby in his mother's arms, who is happily embracing his father in uniform (Horváth, 1991/92, p. 35).

We can witness other signs of the long private grief on the ribbon of a wreath: To the memory of my dear father, István Horváth corporal. 12 September 1942–5 June 1991. Eva, your daughter, who will never forget you (Horváth, 2003, p. 128).

Several people carried pieces of wood to build crosses for the graves (Horváth, 2003, p. 174). Others spread Hungarian mud, while some dug up a handful of Russian soil, 'wet from the blood of the fallen'.

The local Russian people often came out to see the strangers. If there was an Orthodox priest, or a commemoration, they joined the pilgrims to pray. They also communicated with the pilgrims thanks to interpreters. The old women would recall the war period, and their memories of the Hungarian occupation. Sometimes they provided various details of the graves or the destroyed cemeteries. The younger people and the children talked about their 'treasure hunts' among the graves and former trenches (Horváth, 2003, p. 54). The local Orthodox Church representatives were cordial with the pilgrims. In the inaugural speech of the first pillar in Repiewka, the priest said: 'in the cross there are no antagonisms' (Horváth, 1991/92, pp. 30–1).

Another example of so-called barefoot, or popular diplomacy: the leader of the group M showed the Russians a photo of a Soviet cemetery in Hungary, and asked them to treat the Hungarian shrines and tombs in a similar way (Horváth, 1991/92, p. 12). This claim for reciprocity was unimaginable before the retreat of the Soviet Army in 1991 from Hungary.

Most contacts with local people during the reburials were cordial. According to the pictures and the videos women often embraced one other and cried together. Pilgrims may also place flowers at the Soviet memorial (Horváth, 2003, p. 185). The role of the veterans was not limited to re-enacting the war through their personal memories. In group B2, a veteran gave his letter, written in Russian, to an old woman who survived the war and asked her to share its contents with all the survivors: 'I come here now in peace and with peace' (Horváth, 2003, p. 185). Another pilgrim brought a big bag from Hungary to the village where he lived during the war. He picked out an old man, and gave him some sausages, cigarettes and biscuits.

> Please take these in return for your hospitality at that time! Let's drink to it. – he continues . . . and gives him a bottle – My dear – speaking to the interpreter – please translate that this is real pálinka and not rubbish. They drink. Afterwards they shake hands and embrace each other.
>
> (Horváth, 2003, p. 190)

These battlefield pilgrimages are situated at the crossroads between the rituals of mourning, repentance and public gestures of reconciliation. Even if it is not always possible to fraternize, the videos filmed during the pilgrimages show that 'barefoot diplomacy' expresses a very human claim for reconciliation.

Repatriating the remains of the dead soldiers, identifying them, ending the war: The Finnish case

The Finnish pilgrims' actions are framed as a commemorative mourning process both at home and by the locals.

In Finland, there is a strong public demand for the clarification of the fate of every single missing soldier. In 1999–2000, a postal poll carried out by the association produced the following results: 1887 letters were sent to the families of missing soldiers and 76 per cent were answered. Of the given answers, 81 per cent were in favor of prolonging the search and gave permission to access the required archive documents. None of the 111 families' relatives who were asked to supply a blood sample for DNA identification refused to do so (Palo et al., 2007, p. 232). Since scientists have been able to duplicate DNA, the identification process has become more efficient, even with poorly preserved human remains. The technique relies on the comparison between the deceased and his potential relatives. Over a ten-year period, about 1000 bodies have been collected. Just over 220 have been identified and returned to

their families. These efforts have been advocated by the association as a contribution to international humanitarian research. 'Unfortunately war graves don't belong only to the past': the techniques developed by Finnish scientists in the course of their cooperation with the SMY can be used wherever mass graves are studied (Blinnikka, 2004, p. 94).

The other dynamic of recognition of this mourning process is among the local population. The association has indeed been trying to strengthen cross-border relations. A practical reason is that close connections should be maintained if the exchange of remains is to continue. Indeed, during the 2000s, the Finnish association's field activities significantly decreased, and the search teams dropped from 10–12 volunteers during the 1990s, to 3–4. The result is a trend toward a reduced number of soldiers found by Finns, and higher figures of bodies discovered by Russian *poiskoviki* (diggers). Those who present themselves as diggers describe their activities as a way of honoring the dead. They are opposed to 'trophy hunters', the profit-making search units that chase military graves in order to loot them (complete Second World War Soviet equipment can still be sold today for up to few hundred dollars on the Internet).

Another, more subtle opposition emerges from several interviews: the volunteers were quite clear in their rejection of any politically motivated representation of the Second World War. One of them, a leader of an eight-member registered search group, rejected 'any ideology, except maybe a humanist one'. The Great Patriotic War interpretation was not explicitly criticized, but it was only barely defended. Little if no emphasis was placed on the victory against Fascism. On the contrary, diggers were well aware of the whole range of meanings attributed to the war in different countries, and could even in some cases systematically use Finnish appellations. The Russian diggers cooperating with the Finns defined themselves as fulfilling a moral mission that neither the Soviet nor the Russian states had been able to fulfill. All in all, the diggers who were interviewed found the Finnish memorials meaningful. Some of them went so far as to oppose the Finnish relevant monuments and the Russian–Soviet 'functionary-built memorials', meaning the latter were reproduced all over the country with the same military allegorical figures, and without space for personal feeling. However, respect was expressed for both types of monuments.

Conclusion

This chapter has studied two different cases of pilgrimage. In the Finnish case, the duty to repatriate every single missing soldier, with the

subsequent scientific identification process, is increasingly defining the whole commemorative process. In the Hungarian case, even if many relatives are calling for the repatriation of their dead from the former Soviet Union, the national strategy prefers the exhumation and the creation of central cemeteries with a strong emphasis on national symbols.

In his work about the First World War veterans in French society, Antoine Prost concluded by drawing a line between tourism and pilgrimage, stating that once the war veteran had disappeared from the landscape, all that remained was tourism and the focus on 'what can be seen' rather than genuine feelings grounded in the war experience. Our major conclusion is precisely that post-war memory should not be underestimated. The direct experience of war is not the only resource that motivates emotionally overloaded journeys. Wherever there are bones, there is a sharp sense of the sacred, and therefore there is also what we call pilgrimage.

Notes

1. This organization had existed in the diaspora throughout the Communist period.
2. Its projection was suspended after the broadcast of a few episodes only.
3. During the Continuation War, Finland fought as an ally of Germany against the Soviet Union to regain the territories lost as a result of the Finnish–Soviet Winter War (1939–40).

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5

Memory at the Margins: The Shoah in Ukraine (1991–2011)

Sarah Fainberg

For Ukraine, 2011 was a special year. That year, the state and its approximately 71,500-strong Jewish community (della Pergola, 2010)[1] commemorated the 70th anniversary of the German invasion of the Soviet Union that marked the beginning of the Jewish genocide on Ukrainian territory. Close to 1.5 million Jews were murdered as a result of Nazi genocidal policies carried out on the invaded territories of Ukraine[2] by the German paramilitary squads, the Romanian administration, and, at times, the Ukrainian police units and local militias. After Poland, where 3.3 million Jews were killed,[3] Ukraine suffered the second-largest number of Shoah victims. In 2011, the Verkhovna Rada (Ukrainian parliament) instructed the ministerial cabinet to establish an ad hoc commission for the preparation of the commemorative ceremonies honoring the 70th anniversary of Babi Yar where, on 29 September 1941, 33,771 Jews were killed in the largest single massacre in the history of the Shoah.

While Babi Yar became an icon of Western remembrance of the Ukrainian Jewish extermination, in particular as the 'Holocaust by bullets', an expression coined by the French Catholic priest Patrick Desbois (2009), it also became a symbol of the particular Ukrainian challenge in its own memorialization of the Jewish genocide on Ukrainian territory. First, Babi Yar came to represent an East–West discrepancy in the post-Communist perception of the Shoah. In the West, Babi Yar has been mainly associated with a Jewish mass grave, whereas in Ukraine it has been remembered as a site of a multiethnic martyrdom that cannot be reduced to one specific ethnic group or socio-political category. It is estimated that over the course of the 778-day Nazi occupation of Kiev (September 1941–6 November 1943), approximately 80,000 Jews were killed at Babi Yar, out of a total number of victims ranging

between 100,000 and 150,000, which included Gypsies, Soviet prisoners of war, Ukrainian civilians, physically and mentally handicapped people, homosexuals, dissenters and also 621 members of the Organization of Ukrainian Nationalists (OUN).[4]

Second, as a memorial site (lieu de mémoire), Babi Yar has represented not only the rapid memory transformations, but also the blank spots and conflicts of representations surrounding the Shoah question in Ukraine. While the gigantic Soviet monument erected in 1976 – at an incorrect place, meters away from the ravine itself – universally honored the Soviet victims of Fascism, thereby obfuscating the ethnic identity of the victims, the Jewish community, both in Ukraine and in the diaspora, established a menorah-shaped monument by the ravine following Ukrainian independence in 1991 in order to commemorate the 50-year anniversary of the specific massacre of Jews. In the following years, several other monuments were erected across the site: a wooden cross to honor the memory of the 621 members of the OUN killed by the Nazis in 1942 including Olena Teliha and her husband (installed in 1992), another cross dedicated to two Ukrainian Orthodox priests shot by the Germans on 6 November 1941 (2000), another one in honor of the children shot at Babi Yar (2001), and still another in memory of the Ukrainian concentration camp prisoners and Ostarbeiters (2005).[5] While this memorial complex reflected an inclusive endeavor to specifically recognize the suffering of each group and an attempt to build a fair and multi-vocal memory site, it did not foster the development of a shared historical narrative that could promote mutual awareness of the different groups' experiences and a commitment to producing a collaborative understanding of the mass killings. In 2011, for example, while the wooden cross honoring the 621 murdered Ukrainian nationalists was meters away from the menorah commemorating Jewish victims, there was no mention that some elements of the Ukrainian nationalist underground initially welcomed the Nazis and were rapidly assassinated by them. Additionally, the children's memorial evoked a universalist approach to the suffering of the young, ignoring the fact that most of those murdered were young Jews and Gypsies. Moreover, all text in the memorial was written only in Ukrainian. Finally, as of summer 2011, there was still no monument dedicated to the massacre of Gypsies and no explanation about the still debated involvement of Ukrainian militias in the mass killings.

This chapter highlights the achievements but also the tensions and gaps of the Shoah's memorialization in post-Communist Ukraine. It surveys two decades of development of governmental memory-related

politics, grassroots and international memory entrepreneurship, academic scholarship, and memorial landscape with regards to the Shoah in Ukraine. Based on data obtained during fieldwork in Eastern Galicia, North Bukovina, and the cities and regions of Kyiv, Kharkiv, and Odessa, this work also draws on the copious scholarship of Ukraine's complex relationship with the Shoah and, more specifically, on its government's campaign to compete for victimhood through the recognition of the Holodomor. The Holodomor, or extermination by hunger, is the Ukrainian term referring to the Soviet famine of 1932–33, as the 'forgotten' or 'secret' Ukrainian Holocaust perpetrated by the Soviet regime, often recast as the 'Soviet Inquisition'.[6] Most active under Yushchenko's tenure (2005–10), Kyiv's competition for victimhood has been well documented by Michael Shafir, John-Paul Himka, Dominique Arel, Wilfried Jilge and Timothy Snyder. Along with other experts, they have also detangled the intricacies of what has become known as the 'OUN–UPA[7] problem': the difficulty of providing a fair and truthful account of OUN–UPA collaboration with the Nazis, such as its involvement in the Jewish pogroms in Western Ukraine in the summer of 1941 and the massacres of Poles in Volhynia and Galicia in the fall of 1943.

Despite the activism of numerous memory entrepreneurs, the Ukrainian government's initial support, and the pressures represented by Western memory standards, the debate about the Shoah has had a peripheral role in Ukrainian society, as opposed to the relative centrality it has had in the West since the 1960s. Therefore, I suggest that the memory of the Shoah in Ukraine is best understood not in terms of a narrative of competing martyrdom – the Ukrainian Jewish establishment has recognized the constraints of its position due in part to its relative vulnerability and a fear of being associated with the Soviet–Russian legacy – but as a mirror of the divided memory of the Soviet experience in Ukraine and the conflicting interpretations of the Second World War in particular. At times used as the paradigm of collective martyrdom in the highly politicized campaign to have the Holodomor recognized as the genocide of the Ukrainian people, the remembrance of the Shoah has been downplayed or even obfuscated, rhetorically and physically, in the parallel attempts to deal with what has become the OUN–UPA problem.

The specific challenges of the Shoah's memorialization in Ukraine

In the wake of the Soviet Union's collapse, what were the main challenges confronted by Ukraine with regard to the Shoah? How were those

challenges different than those encountered by its post-Soviet neighbors who were similarly occupied by both Nazi and Communist troops?

First and foremost, just like its neighbors, the Ukrainian state and the reconstructing Jewish community had to roll back four decades of Soviet deflationist attitude toward the Shoah. Soviet propaganda had systematically masked the Jewish identity of the victims of Nazi mass killings and diluted them under the euphemism of 'peaceful Soviet citizens' as early as 1942–43 (Altman, 2002). Second, post-socialist countries had to unearth the totality of the 'Communist crimes', some of which had been only partially and selectively acknowledged during Khrushchev's de-Stalinization campaign (1956–64). From this point of view, the Shoah forced many of the post-Soviet countries to grapple simultaneously with the new status of victims of Communist repressions and of perpetrators of anti-Jewish massacres during the Second World War.

The third and related challenge has to do with an East–West discrepancy in the memorialization of the Shoah. Since the 1960s, the Jewish genocide has been progressively cast as the pre-eminent atrocity of European history in Western European consciousness, whereas in the Eastern European context, the Shoah has been viewed as one of the many atrocities to be uncovered and memorialized by the newly independent states. Furthermore, the question of the Shoah in Eastern and Central Europe resurfaced at a time when both Western and Eastern scholars raised questions as to what extent leftist and Communist intellectuals in the West during the Cold War intentionally relativized the crimes of Stalinism and Communism.[8] A fourth challenge has had to do with the divisive interpretations of the Second World War that arose in the aftermath of the Soviet collapse. Violent memory clashes over the labeling of wartime 'villains' and 'heroes' emerged in the territories conquered by the Soviets as a result of the Molotov–Ribbentrop Non-Aggression Pact: should the Soviets be considered as 'liberators' or as 'colonial' and illegitimate conquerors?

Other challenges exist as well, such as debating the primary audience for the memory of the Shoah. First, most of the Jews who were exterminated on Soviet territories – approximately 2 million out of the estimated 2.6 or 2.8 million Soviet Jews who perished in the Nazi-occupied territories (Kostyrcenko, 2009, p. 77) – were recently Sovietized Jews, that is, those who became Soviet citizens following the Soviet annexation of Western Ukraine, Western Belarus, the Baltic States and Moldova after the Molotov–Ribbentrop Pact. Jews who lived inside the pre-1939 Soviet borders had mostly been relocated further east as a specialized workforce called to sustain the Soviet war effort and therefore had no direct experience of the Shoah. Therefore, the proportion of the

Jewish survivors who had been direct witnesses of the Shoah was limited after the war (Ferretti, 2011, p. 33). In the absence of a significant base of direct survivors and witnesses, who is indeed entitled to speak 'on behalf of' the victims and set a collective memory framework and agenda? This factor, combined with the Soviet state-imposed separation of the Soviet Jewish minority from its worldwide diaspora, contributed to the relatively weaker memory of the Shoah among the Soviet Jews themselves during and immediately after the Soviet period.

Moreover, given the demographic collapse of Soviet Jewry, who should be responsible for caring for the mass graves? Is it the state, the current local community, the local Jewish community or the Jewish diaspora? In the Eastern territories, where half of the total Jewish genocide victims were killed by bullets, and not by gas chambers, this question was both urgent and practical. The Ukrainians, for example, had to directly deal with their extensive genocidal landscape (former ghettos, ravines, sites of mass burials and Nazi camps), making their confrontation with the Shoah both unavoidable and immediate. In May 2011, Father Patrick Desbois, the president of Yahad-in Unum, a Paris-based research organization created in 2004 to investigate the mass executions of Jews and Gypsies in Eastern Europe between 1941 and 1944, reported that in Ukraine – the site of the greatest proportion of victims – only 60–70 per cent of the mass grave sites have been identified and that the last living survivors would be gone within the next five years.[9]

Furthermore, any attempt to properly memorialize the Shoah also had to tackle two engrained stereotypes across the area. On the one hand, the stereotypes of the Ukrainian and Polish pogromists portrayed these populations as intrinsically anti-Semitic. On the other hand, the myth of Žydokomuna blamed the Jews for the imposition of Communism, inflated the proportion of Jews among the Soviet secret police and repressive organs and presented anti-Jewish violence as an act of self-defense against the Soviet crimes perpetrated against the Polish or Ukrainian peoples (Gross, 2006, pp. 192–245).

If Ukraine shared many memory challenges with its post-socialist neighbors, it also grappled with a few distinct and specific ones. First and foremost, in contrast to the Baltic states, Poland or Hungary, where the rejection of Communism has been generally straightforward, Ukraine is sharply divided over its assessment of the Communist period, its relationship with the previous Soviet regime and its interpretations of the experience of the Second World War. The terms 'occupation', 'liberation' and 'collaboration' carry sharply different meanings and connotations across the Ukrainian regions. Western Ukraine, which was brutally

conquered by the Red Army and Sovietized in 1939, and where the Soviet regime was mainly associated with the NKVD repressions before, during and after the war, sees itself as the victim of both Soviet and Nazi atrocities. Therefore, for Lviv and Western Ukraine, the tactical and contextual acts of collaboration performed by the OUN and Ukrainian Insurgency Army (UPA) have not been perceived as shameful acts of treason, but as heroic and legitimate attempts of national self-defense in the Ukrainian struggle for independence. In contrast, in the East, 'occupation' still refers to the Nazis and 'liberators' to the Soviets, while the UPA fighters, who at times collaborated with the Nazis, have been portrayed as bandits and traitors. Furthermore, the perception of the role of the UPA has been biased by the political and historical need to counter four decades of Soviet-imposed vilification of the OUN–UPA militias; Soviet propagandists delegitimized any Ukrainian nationalist claim by equating Ukrainian nationalism, however moderate it might be, with 'collaborationism' with the 'Fascist' enemy.

Those sharp regional differences in historical memory make it particularly difficult to foster a shared Ukrainian vision of the Shoah and reach any kind of agreement on the OUN's Jewish policy, the Ukrainian nationalists' involvement in the Jewish genocide, and its role in the pogroms in Galicia in the summer of 1941. This clash of historical perceptions even prevented at times an agreement on who was to be considered a Ukrainian 'Righteous among the Nations'. This was exemplified by the public controversy over the posthumous evaluation of Metropolitan Andryi Sheptytskyi, the archbishop of Lviv and head of the Ukrainian Greek Catholic Church in Western Ukraine from 1901 until his death in 1944. While some consider him a saint and a savior of the Jewish people, saving hundreds of Jewish children as well as the rabbi David Kahane during the German occupation of Eastern Galicia, others condemn him for having initially displayed a lenient and even positive attitude toward the Nazi invasion of Lviv in June 1941, which he perceived as a relief from the two preceding years of Soviet murderous and anti-clerical policies. In spite of numerous appeals to Israel's Yad Vashem Authority, the 'Righteous among the Nations' title was denied to Sheptytskyi.[10]

A straightforward and entrepreneurial encounter with the Shoah

Despite these numerous challenges, the memorialization of the Shoah in Ukraine has been rapid, straightforward and all-encompassing in

the first 20 years of the country's independence due to the memory and documentary revolution that took place in the early 1990s across the Eastern Bloc, the activism of local and international memory entrepreneurs, and government support.

Since the late 1980s, Ukraine has witnessed the development of a memorialist approach to the Shoah that was aimed at countering the Soviet deflationist attitude that refused to acknowledge the Shoah's distinctiveness in the all-Soviet suffering of the war. This memorialist trend has been represented by a network of local and international memory entrepreneurs. Locally, it comprises the recently re-established Jewish community and their affiliated non-Jewish partners, such as the Jewish Confederation of Ukraine led by Joseph Zisels, the Institute for Jewish Studies of Leonid Finberg, the Ukrainian Center for Holocaust Studies led by Anatoly Podolski, and a constellation of other grassroots Jewish communal and memorial associations. These grassroots organizations found echoes and recognition among Western-oriented intellectuals and political elites of Ukrainian society such as the All-Ukrainian History Teachers' Association 'Nova Doba' or among historians such as Natalia Yakovenko (Mohyliv Academy) and Yaroslav Hrytsak (Ivan Franko National University of Lviv). Internationally, it has received political backing from Israel and the American Jewish organizations through collaboration with the Yad Vashem Institute, the Jewish Agency and the United States Holocaust Museum among others. In addition, independent initiatives and associations have played a critical role in documenting the Shoah, such as the Yahad-in Unum initiative directed by Father Patrick Desbois or the Ukrainian–Jewish Encounter Initiative led by Alti Rodal in Ottawa.[11]

At a symbolic level, these initiatives have been boosted by clear-cut Western norms about Shoah recognition that became a well-understood etiquette among Eastern European leaders. They have been supported by the different Ukrainian governments, which wanted to distance themselves from Soviet-era discriminatory policies and signal their acceptance of Western standards of tolerance and inclusiveness. Presidents Kravchuk and Yushchenko alike knew how important the recognition of the Shoah was in order to become integrated into Western institutions. In 1991, Kravchuk acknowledged the Ukrainian people's share of guilt for the destruction of the Jews and asked the Jewish people's forgiveness in a speech given at the commemoration of the 50th anniversary of the mass murder at Babi Yar. Similarly, Yushchenko emphasized the Jewish tragedy as being an integral part of Ukrainian history. In his 2005 inaugural presidential address, Yushchenko mentioned the Shoah alongside the Ukrainian deportations and Great Famine under the Soviet regime:

'On this day, let's commemorate the heroes who died for Victory, martyrs of Nazi and Soviet camps, victims of Holodomor, deportation and Holocaust. They see us and they are proud of us',[12] thereby placing the Ukrainian victims of the Soviet and Nazi camps side by side and honoring their memory alike as 'martyrs' of Ukrainian history. Yushchenko even claimed to be personally related to the Holocaust by mentioning the sufferings of his father, Andryi Yushchenko, a Ukrainian village teacher and soldier, who was wounded and taken prisoner to Auschwitz under the number 11367.[13] Despite integrating the Shoah into the new nationalist narrative on Ukrainian martyrdom and unity, Yushchenko's discourse neither addressed the 'distinctiveness' of the Jewish experience, nor directly confronted the question of Ukrainian collaboration despite using the Shoah in his battle for the recognition of the Soviet famine of 1932–33 as a genocide of the Ukrainian people.

His pro-Moscow rival and successor since February 2010 Viktor Yanukovych also emphasized his commitment to commemorating the Shoah, by marking the International Holocaust Remembrance Day on 27 January 2011 and by paying tribute to the victims of Babi Yar on 3 October 2011, at the 70th anniversary of the tragedy, along with Israel's Deputy Prime Minister Avigdor Lieberman. In contrast to Yushchenko's speeches, Yanukovych's declarations do not include the Shoah in the all-Ukrainian history and martyrdom. As a matter of fact, the Jewish genocide seems almost externalized from Ukraine's history and recast as 'humanity's' tragedy. First, pro-Moscow Yanukovych did not use the Kholokost–Holodomor strategic equation since he swiftly reversed Ukraine's position on the Holodomor as a genocide of the Ukrainian people by recasting it as 'a common tragedy of the Soviet people'.[14] Second, although he invited Israel's deputy prime minister to the 70th anniversary of the Babi Yar massacre, Yanukovych presented the Jewish genocide as a tragedy with no distinct victims and perpetrators: 'Humanity draws conclusion from the Babi Yar tragedy and the martyrdom of thousands of people remain in our memory.'[15] Here, the Shoah is mainly used to praise Ukraine's active prevention of xenophobia and intolerance, a rhetoric that may be related to Yanukovych's declared intentions of bringing Ukraine closer to European institutions.[16]

A peripheral impact in the Ukrainian mnemonic landscape

And yet, the Shoah has remained a peripheral concern within Ukrainian society. No wide-ranging debate about the scope, specificity and local responsibilities of the Shoah has taken place, in sharp contrast to the national discussions that divided Polish society over the Jedwabne

and Kielce anti-Jewish massacres after the publication in Poland of Jan Gross's Neighbors, The Destruction of the Jewish community of Jedwabne, Poland, in 2001 (Polonsky and Michlic, 2004). The questions of Ukrainian collaboration, anti-Semitism and the OUN's involvement in the Jewish mass murders remain marginal in the public debates that have primarily focused on the definition of the Great Famine as 'genocide' and the interpretation of the OUN–UPA actions during the Second World War. Perhaps the most vocal controversy over the Shoah occurred in the aftermath of the publication of a proposal (2002) by the American Joint Distribution Committee to fund and build the 'Heritage community center' complex at Babi Yar. This venue was designed to include a museum, a research institute and a community center with a theater. This proposal generated much controversy within the Ukrainian–Jewish community itself and among the main representatives of Ukraine's ethnic minorities. At issue was the moral appropriateness of building a theater and research center on a mass grave and, more importantly, of constructing an exclusively Jewish memorial on a site where thousands of other minorities were also murdered. While a vocal minority emerged, the controversy itself never became widely publicized and was laid to rest with the eventual dismissal of the proposal.

Second, educational programs continue to be of limited scope despite the introduction of the Shoah in the official curriculum by the minister of education and science in 1992. Most educational projects have been initiated by non-governmental organizations and have had a limited impact. In the textbooks, the Shoah has been addressed in the 'world history' section and not in the 'Ukrainian history' curriculum. Wilfried Jilge laments what he defines as the lack of 'multi-perspectivity' on Shoah teaching and representation in Ukraine and highlights the 'exclusion of otherness' in the teaching of national history. Most schoolbooks have addressed the destruction of European Jews for different countries, but have treated Ukraine's experience as marginal, while the role of the OUN-B and the Ukrainian militia in the pogroms against the Jewish population in Western Ukraine in the summer of 1941 has remained largely taboo (Jilge, 2007, pp. 115–17). This ethnocentric conception of Ukrainian history, dismissive of the specific experiences of Ukraine's ethnic minorities, remains prevalent despite the public recommendations of Ukraine's Institute of National Memory, which has called for the promotion of a more inclusive and territorial conception of the Ukrainian nation in the classrooms (Shevel, 2011, p. 138).

Third, despite the noticeable spread of Jewish insignia at grave sites, most initiatives to erect memorial signs remain haphazard and

self-financed. At a grassroots level, many memory entrepreneurs are retired Jews who volunteer their time and money to erect a memorial, a small museum or an educational project. In my encounter with them in small towns and villages of southwestern Ukraine and in the regions of Kharkiv and Odessa, they often expressed their frustration and isolation and lamented the lack of support from the Jewish diaspora and the local Ukrainian administration alike. Furthermore, their initiatives often remained constrained by the desires of the local authorities. For example, since 1993, regional deputies of Lviv strongly opposed the German-financed project of establishing a memorial to the 100,000 Jewish victims of the Yanovsky concentration camp that was transformed into a penitentiary colony during the Soviet period. The local administrators' Soviet-inspired argument was that the memorial should not differentiate between the Ukrainian and Jewish victims of Fascism, thereby denying the fact that 95 per cent of the camp's victims were Jewish and that the declared goal of the camp was the extermination of Jews.

In addition, Jewish memorials tend to promote a reconciliatory vision of the genocide that glosses over the confrontational question of the Ukrainian 'collaboration' and attempts to foster inter-ethnic tolerance through an emphasis on the Ukrainian 'Righteous among the Nations' – as exemplified by a new Jewish memorial erected in Transnistria over the site of the former ghetto of Mohyliv-Podilskyi by the remaining Jewish community (nearly 280 as of 2011, including 54 Holocaust survivors). This memorial site is composed of two memorials standing side by side in a city square: on the left side, a memorial that portrays a Ukrainian Christian couple wearing crosses around their necks protecting a little Jewish girl. On the right side, the memorial portrays tormented faces bookended by a Star of David and by a menorah while the ghettos and camps are listed in Ukrainian and Hebrew. Similarly, the central component of the main Shoah memorial in Odessa is the 'Alley of the Righteous among the Nations' that is inspired by Yad Vashem's 'Garden of the Righteous'. In the same vein, the core mission of the tiny 'Kharkov Holocaust Museum' is to identify and honor Kharkiv's residents who rescued Jews during the war and file requests on their behalf to Yad Vashem; as of the summer of 2011, the museum's director Larisa Volovik had filed the documentation of 88 'Righteous' who were all officially recognized by Yad Vashem.[17] While this focus reflects the narrowing window of opportunity to honor these Gentiles for their righteousness before they die out,[18] it also reflects a conciliatory approach to the Shoah's memorialization in Ukraine by local Jewish organizations, which mainly focused on issues of inter-ethnic tolerance

and coexistence at the expense of the conflictual issue of the local population's involvements in anti-Jewish massacres.

Despite these nascent efforts, the memorialization project faces serious challenges due to neglect and the wild tempo of real estate development in Ukraine. For example, the former Kharkiv ghetto, the pre-extermination gathering site of nearly 16,000 Jews, was to be erased by a major real estate project; in the summer of 2011, a large poster announcing the forthcoming construction of a 'residential complex with a park' sponsored by 'Privat Bank' was hanging next to the tiny (and graffitied) memorial erected by the volunteers of the 'Drobitski Yar' committee.

Finally, in the Western territories of Ukraine, considered as the traditional regions of Ukrainian nationalism, there are virtually no Shoah-specific memorials, replaced instead by those honoring nationalist figures who played an ambivalent role in the Jewish genocide. In this region, which used to be a flourishing center for Jewish life before its Soviet annexation in 1939–41, the last remains of pre-war Jewish life are vanishing. Most Jewish sites such as synagogues, prayer houses and schools have been transformed into functional buildings

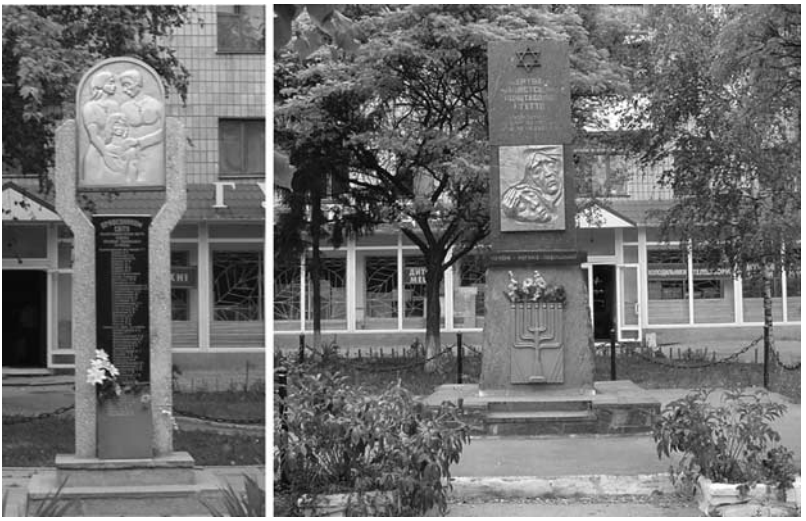

Photo 5.1 Two memorials standing side by side over the former ghetto of Mohyliv-Podilskyi, Ukraine.
Source: © S. Fainberg, July 2004.

under the Soviet period – factories, marketplaces, theaters, swimming pools – and are abandoned while burial pits from the mass killings are left unmarked. In parallel, local groups erected memorials glorifying different leaders and troops of the former UPA. Omer Bartov, who documented the topographic obliteration of the Jewish genocide in a personal travelogue across East Galicia in Erased: Vanishing Traces of Jewish Galicia in Present Day Ukraine (Bartov, 2007), highlighted, among other ironic substitutions, the establishment of a memorial devoted to Stepan Bandera over the site of the former Jewish ghetto of Drohobych, despite the fact that some of his troops took an active part in anti-Jewish massacres during the war. Ironically, and as a direct reaction to Soviet stereotyping and criminalization of Ukrainian nationalism, the memory of murdered Jews in East Galicia has been obliterated twice: first by Soviet denial of the Shoah and second, in the Western regions of Ukraine, through the rehabilitation of wartime criminals.

The Shoah overshadowed by the memory of Communist repression

When addressed publicly by Ukrainian intellectuals and politicians, the Shoah has often resurfaced as a variable of the country's attempts to come to terms with the legacy of Communist repression, especially since the Orange Revolution (2004). First, the Shoah has been used

Photo 5.2 Graffitied memorial over the former Kharkiv ghetto to be erased by a real estate project, Ukraine.
Source: © S. Fainberg, July 2011

as the paradigm of the 'crime against humanity' and its comparison with the Holodomor has been used as a leverage to grant the Great Famine the historical definition and judicial status of 'genocide'. Since the independence of Ukraine and under Yushchenko's tenure in particular, the two tragedies have been routinely compared. On a political and legal level, this campaign has been successful: in November 2006, the Verkhovna Rada passed a law defining the Holodomor as a deliberate genocide of the Ukrainian people and made the public denial of the Soviet famine of 1932–33 illegal (a law that echoes the legal measures taken against Holocaust denial in a number of European countries). In October 2008, the European Parliament adopted a resolution that categorized the Holodomor as a 'crime against humanity'. However, the debates still rage about the definition, scope, intentions and agency behind the Soviet man-made famine that affected Ukraine, the ethnic-Ukrainian region of Northern Caucasus and the lower Volga River region in 1932–33. Interestingly, the debate centered around the morbid accounting of the victims, the symbolic number of 6 million and the difficult assessment of the number of the victims of the Great Famine. While Yushchenko officially put forth the numbers of 7–10 million deaths, thereby giving the 'famine-genocide' a 'greater' quantitative scale than the Shoah, historians, demographers and experts tend to provide lower numbers ranging between 2.5 and 4 million excess deaths in Ukraine.[19]

Second, the Shoah question has been downplayed inside Ukraine during the Stepan Bandera and Roman Shukheyvych controversies. Yushchenko's tenure was marked by grassroots and official attempts to put forward a new narrative of national pride that posthumously rehabilitated former leaders of the Ukrainian nationalist insurgency movement under Nazi occupation, some of whom were, at times, Nazi sympathizers and collaborationists. Among them, the wartime nationalist leader of the OUN, Stepan Bandera, and the more problematic figure of Roman Shukheyvych, the leader of the UPA in 1943–50 and the officer of Nachtigall, a Ukrainian collaborationist legion. Both Bandera and Shukheyvych directly, although inconsistently, collaborated with the Nazis. It should be mentioned, however, that there is no historical consensus on the exact role played by the UPA in the Jewish genocide. Some historians highlight massacres of Jews carried out by UPA members whereas others insist that the UPA, as the majority of other Ukrainian nationalist movements, was not ideologically anti-Semitic.[20]

Yushchenko broke a taboo in 2005 by attempting to reframe the Soviet-inherited 'Victory Day', May 9, by canceling the military parade

celebrating the Red Army and promoting a joint celebration between the Soviet veterans of war and the veterans of the UPA. The rehabilitation of the UPA was complete when Yushchenko conferred the title 'Hero of Ukraine' on Roman Shukheyvych (October 2007) and on the Ukrainian nationalist, Stepan Bandera (January 2010). Critics accused Yushchenko of whitewashing a Fascist and a Nazi collaborator, thereby betraying the democratic ideals of the Orange Revolution that brought him to power. The Bandera controversy was reinforced in April 2010 in Kyiv with the launching of a public exhibition titled 'The Volyn Massacre: Polish and Jewish Victims of OUN–UPA'. Even though the question of the OUN–UPA's involvement in the massacres of Jews was raised, it remained relatively marginal in the debates that focused more on the ideological legacy of OUN–UPA and the investigation of the anti-Polish massacres in Volhynia in the fall of 1943 (which itself was politically motivated by the Polish–Ukrainian reconciliation process that started in the 1990s).[21]

Conclusion

Ultimately, the post-Soviet memory conflict over the Shoah in Ukraine is one of the core memory challenges facing the post-Soviet space. Finely articulated by Natan Sznaider in his analysis of the 'changing status of victimhood' in the West since the 1960s, the inability to confront the past outside of a 'victimhood framework' and the prevalence of a de-historicized approach to the Shoah as 'the paradigmatic trauma of the 20th century' has 'dislodged [it] from its historical context' and has 'inscribed [it] as [a] universal code of suffering'. The Shoah has been recast in the West in the last 50 years because its memory has been transformed 'from something to be ashamed of to a symbol of grace and moral righteousness' (Sznaider, 2011, pp. 242–3) and because of the generalization of the 'trauma' metaphor as applied to mass atrocities. In Ukraine, as in other Eastern European countries, this phenomenon has tended to dilute the distinction between perpetrators, victims and bystanders, has emphasized universal suffering rather than historical responsibilities, and has swerved away from a direct and public confrontation of the Shoah question. The official designation by the European Parliament in 2008 of August 23, the date of the signing of the Molotov–Ribbentrop Pact, as the 'European Day of Remembrance for Victims of Stalinism and Nazism', meant to honor the memory of 'every victim of any totalitarianism regime', stands as the latest manifestation and an enduring sign of this memorial trend.

Notes

1. Statistical figures on the Jewish population in Ukraine are highly problematic due to the high rate of inter-marriage and the principle of self-declaration in the census that enables the interviewees to report the ethnic belonging of their choice.
2. This figure included the Jews of Eastern Galicia, a Polish territory in the 1920s conquered by the Soviet Union under the 1939 Molotov–Ribbentrop Non-Aggression Pact.
3. This figure includes the Jewish population of Eastern Galicia and Volhynia, which were annexed by the Soviet Union following the Ribbentrop–Molotov Pact in September 1939.
4. There are different estimates of the total assassinated at Babi Yar during the Nazi occupation of Kiev: the Soviet Extraordinary State Commission investigating Nazi crimes after the liberation of Kiev on 5 November 1943 mentions that 100,000 bodies were found in Babi Yar, while other sources and testimonies mention that nearly 120,000–150,000 corpses were burnt there.
5. In 2006 another memorial was erected to honor the victims of the 1961 Kurenivka mudslide in Kiev that resulted in the death of 1,500–2,000 workers and local residents. This disaster had not been officially notified by Soviet authorities, and remembrance activities were prohibited at Babi Yar until the late 1980s.
6. The term 'Soviet Inquisition' appears on one of the first memorial sites dedicated to the Holodomor victims in Ukraine after the fall of the Soviet Union, which was erected in 1993 on St Michael's square in Kyiv.
7. The UPA or the Ukrainian Insurgency Army represented a network of Ukrainian nationalist partisans that conducted guerillas targeted at the Poles, the Soviets, but also the Germans under German occupation. The UPA, coordinated by Roman Shukheyvych, was established during the spring and summer of 1943 in Volhynia. It represented the military branch of the OUN-B, the most radical faction of the OUN, the Organization of Ukrainian Nationalists led by Stepan Bandera.
8. On the enduring support of leftist intellectuals and Communist parties in the West to the Soviet regime despite its brutality and crimes after the Second World War, see in particular F. Furet (1999) The Passing of an Illusion: The Idea of Communism in the Twentieth Century (Chicago: Chicago UP); T. Judt (1998) The Burden of Responsibility: Blum, Camus, Aron, and the French Twentieth Century (Chicago: University of Chicago Press).
9. United States Holocaust Memorial Museum (2011), http://www.ushmm.org/museum/press/archives/detail.php?category=07-general&content=2011-05-13, accessed 25 September 2011.
10. On this question, see two collections of archival documents compiled by Zhanna Kovba and published in Ukrainian (Sheptystkyj, 2003; Kahane, 2003). Kahane's diary had previously been published in English (Kahane, 1991).
11. Since 2008, Alti Rodal has developed the Ukrainian–Jewish Encounter Initiative, a collaborative project meant to promote a 'shared historical narrative' of the Ukrainian–Jewish relations over the centuries: http://ujeicontent.squarespace.com/.

12. Kyiv, 23 January 2005, http://ww2.yuschenko.com.ua/eng/ Press_centre/168/2167/, accessed 3 April 2005.
13. Strasbourg, 24–28 January 2005, Ordinary session of the Council of Europe Parliamentary Assembly, http://ww2.yuschenko.com.ua/eng/Press_centre/168/2197/, accessed 3 April 2005.
14. Strasbourg, 27 April 2010, statement to the Parliamentary Assembly of the Council of Europe (PACE), http://en.rian.ru/exsoviet/20100427/158772431.htlm, accessed 3 October 2011.
15. Kyiv, 3 October 2011, press office of President Viktor Yanukovych, accessed 3 October 2011.
16. Viktor Yanukovych, 'Ukraine's Future Is with the European Union', *The Wall Street Journal*, 25 August 2011, accessed 1 September 2011.
17. Personal interview of the author with Larisa Volovik, director of the 'Kharkov Regional Committee "Drobitski Yar" ', 13 July 2011.
18. As of the end of 2010, Yad Vashem had officially recognized 2363 'Righteous' in Ukraine, giving it the fourth most rescuers after Poland, the Netherlands and France, http://www1.yadvashem.org/yv/en/righteous/statistics.asp, accessed 18 September 2011.
19. On the highly debated and politicized question of the Holodomor figures, see in particular J.-P. Himka, 'How Many Perished in the Famine and Why Does It Matter?' Brama News and Community Press, 2 February 2008, http://www.brama.com/news/press/2008/print/080202himka_famine.html, accessed 1 September 2011.
20. To complicate things further, at the beginning of 1943, the OUN turned against Nazi Germany and in 1944 it rejected any policy of ethnic or racial exclusion. As a consequence, a few Jewish partisans and doctors joined the UPA at the end of the war – a fact that invalidates any unequivocal condemnation of the UPA as a collaborationist organization.
21. This reconciliation was symbolically marked in 2003 by the Polish–Ukrainian agreement to commemorate jointly the Volhynia tragedy of 1943–44 and in 2005 by the opening of the Polish military memorial in Lviv.

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Part II

Memory Policies and Historical Narratives: How Do States Deal with Memories of the Past?

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6

The Elites' Games in the Field of Memory: Insights from Lithuania

Irmina Matonyte

The issue of memory has become an increasingly important analytical category for historians, sociologists, cultural theorists, marketing managers and political scientists. Some scholars have gone so far as to claim that memory is the new paradigm of history, overpowering and restructuring other frames of reference like class and gender (Winter, 2000). The fall of Communism and its ensuing social transformations are major historical events that further increased political and intellectual interest in the studies of memory. In post-Communist Europe, of which Lithuania is a part, the complexity of the present-day situation, as well as its successes, promises, disappointments and hopes, makes people rethink the recent past. Consequently, political elites in the region are active in the field of memory. Democratic regimes respect freedom of consciousness, speech and association as well as uphold the principle of free and fair elections, and by doing so they create conditions that are essential for the emergence and practices of historical memories that are analytically distinguishable from ideology, propaganda and half truths. It is important to emphasize that in any society there is no single historical or collective memory, but rather there are as many stories and feelings about the past as there are social or political groups vying for power.

Therefore, the researcher's interest should encompass the actors and practical uses to which elements of the past can be put for current political ends. As Heisler forcefully argues, 'the current politics of the past deals with history, engages memory, and may invoke aspects of identity, but, in fact, it is a practical matter that unfolds in the present' (Heisler, 2008, p. 201). In a similar vein, Kratochwil in the Machiavellian tradition eloquently states that the 'politics is inherently practical since

it deals with doing the right thing at the right time in view of the particular historical circumstances' (Kratochwil, 2006, p. 6).

Historical memories related to national or cultural trauma is a particular battlefield for members and non-members of imagined communities (for instance, in the early 1990s American Lithuanians were very active in demonizing Soviet *nomenklatura)*, high- and low-status groups, and holders of a particular value orientation or political identity and their detractors. On the one hand, cultural trauma affects individuals, and on the other hand, trauma is a cultural process. In order to be overcome, cultural trauma must be 'understood, explained and made coherent through public reflection and discourse' (Eyerman, 2001 p. 2). The cultural trauma here in question is the 50-year-long Soviet occupation of Lithuania.

Past cultural traumas might lead to positive and ethically constitutive stories that are more likely to integrate collectivities. Such narratives and the institutional arrangements that support them evolve over time, reflecting changing social, economic, political and other conditions or the political exigencies. The updating, reloading or revising of the narratives and institutional arrangements related to the management of the past are most commonly elite-driven. Formal and unofficial political leaders are important in the construction and reconstruction of ethically constitutive messages; in fact, they are political leaders in part because of their roles in articulating such responses (Smith, 2003, pp. 42–3).

Political elites in this enterprise, however, meet an unpleasant challenge: the frequent need to integrate morally repugnant chapters from the past. It appears that most people would be more strongly motivated, rather than alienated, if they saw their political identities as partly constituted by histories displaying both good and bad elements (Smith, 2003, p. 160). However, such positive attitudes toward lessons of the past are not at all self-evident. After all, there is no guarantee that former Soviet collaborators and passive bystanders, whose tacit complicity made the Soviet system possible, would be able in the post-communist circumstances to resist the temptation to have a comfortable career at the expense of once again damaging the society by the weakness of their own moral views. Bauman warns that awareness of the evil, the knowledge that the unimaginable is possible, seems to have made the evil more, rather than less, likely (Bauman, 1999). In post-Communist societies hypocrisy is rampant, and lying (if silence is impossible) proves to be the most rational way of dealing with unpleasant facts. Paradoxically, positive self-concepts can be maintained in the face of betrayals of the principles on which they are based. Elites lie in their attempts to

sustain the belief that they are virtuous in the minds of those they lead; as a result, they lie 'not only to others but also to themselves, [with] their everyday evasions, and the veil they draw over the more ugly features of the world they have made' (Walzer, 1994, p. 42).

In this paper we look how the conflict-laden past is used in public discourse and in political competition in Lithuania 20 years after the breakdown of Soviet rule. First, we examine rhetorical uses of the past. An astute observer once underscored the point that memory seems to be losing precise meaning in proportion to its growing rhetorical power. According to Edelman, it is not the opposition but consensus that breeds political instability, because diverse understandings of problems and their backgrounds characterize power relations, and both sanction and delimit political tensions (Edelman, 1985). The Lithuanian example abounds with political and cultural initiatives and institutional arrangements that are meant to manage the past and collective memories. From 2008 survey data on parliamentary candidates we show that political projects related to the Soviet past constitute an important part of the political capital of those who aspire to legislative office. Paradoxically, the study of parliamentary candidates' views about institutional arrangements designed to bring some order to the field of memory reveals that sharp political party lines could be hardly distinguished and that political entrepreneurs use the field of memory to play their own power games, in the sense described by Edelman.

Throughout the study we use the term 'game' (play, match) and not 'strategy' or 'tactics' to underscore the point that memory in political contests in contemporary Lithuania is not intentionally manipulated nor strategically used to construct political identities. We explore the extent to which the field of memory is used in adversarial political competition.

As to memory games in Lithuania, one remark made by President Dalia Grybauskaite in a heightened political atmosphere is worth mentioning. In the spring of 2010 the president proposed opening the archives of the Soviet secret services to the public, thereby allowing everyone to get acquainted with the materials contained therein. Her goal was to encourage politicians to 'stop playing political games' that had emerged as a result of the work of the Lustration Commission. The president's proposal was not an original one, and after some vociferous remarks from across the whole political spectrum, it – as earlier proposals – did not materialize in any concrete legislative act. In her astonishingly straightforward style of communication, President Grybauskaite honed in on the term 'game' and efficiently pointed out

the interactive character of competitive political practices in the field of memory, which involve both political elites and civil society at large. However, as Edelman predicted, by a simple naming of the problem, the president did not resolve the problem but rather exacerbated it.

Four patterns of discourse about the Soviet past in Lithuania

Individual and group memories, like individual and group identities, are products of active creation, not passive inheritance; through selective remembering and forgetting, people construct out of the randomness and fragmentation of human experience comprehensible stories in which past events cumulatively determine present existence and provide signposts to guide future action (Boyd, 2008). In terms of discursive practices, Velikonja proposed a fourfold typology of how people in Central and Eastern Europe (CEE) today see and deal with their decades under Communism (Velikonja, 2009).

The first way of dealing with that troubled past is renunciation – 'anti-nostalgia'. In Lithuania (and in most of CEE) the dominant public discourse completely blacks out Communist times. New ideologies of nationalism, liberalism and conservatism are created and developed on the basis of a complete condemnation of everything related to the Soviet period. A quantitative topographic discourse analysis, based on codified data from the Lithuanian Language Dictionary (which includes texts published in 1994–2003 and contains more than 1000 million words) reveals that some nostalgic notions (such as Communist model, return to the past, good old times, Soviet system) occur only in Lithuanian *belles-lettres* and the mass–media, and are mostly associated with humoristic positions (Matonyte, 2006, p. 406).

Anti-nostalgic political attitudes are pro-active and are aimed at combating conformism and the passive escapism of people who cannot (or do not want to) adapt to new conditions, but prefer to live in prolonged yesterday. There are many public policy instruments adopted in post-Communist Lithuania that cater to an anti-nostalgic mood. In the early 1990s the Lithuanian *Seimas* adopted several pieces of legislation pertinent to retroactive and transitional justice, such as the law on restitution of real estate, the aforementioned lustration law, which banned former collaborators of the Soviet secret services from high-ranking positions in public service and in the educational system of independent Lithuania, the amendments to the electoral law requiring candidates to inform voters about their past collaboration with the KGB, and so on.

From its very inception in the early 1990s, the Center for Resistance and Genocide Studies contributed much to anti-nostalgic moods in Lithuania (long-time director of the Center, historian Dalia Kuodyte, currently serves her first mandate in a liberal party group in the Lithuanian *Seimas*). Through its publications, conferences and public statements, notions of victimization, traumatizing history, psychology of transference, and so on have been introduced into the Lithuanian academic and public discourses. The international Vilnius Tribunal took place in Vilnius on 12–14 July 2000. This tribunal assembled political, media and civil society activists from 24 countries that were engaged in the defense of human rights and issued highly vocal condemnatory statements, blaming the Soviet Union for its physical and moral atrocities. Evidently, the Vilnius Tribunal re-activated the anti-nostalgic discourse, not only in Lithuania but across the CEE region and beyond. On 12 July 2010, on the one-year anniversary of President Dalia Grybauskaite's inauguration, Prime Minister Andrius Kubilius gave a public address in which he emphasized that the president had done much in her attempts to destroy the *nomenklatura* networks. The *nomenklatura* is a powerful concept in the political imagery of post-Communist Lithuania, which is still grappling with its Soviet past as evidenced by its anti-nostalgic discourse.

The second way to deal with the Soviet past is an 'amnesia' that imposes silence about everything that happened before the breakdown of Soviet rule; according to this perspective, it is as though as the year 1990 was year zero in CEE. Public discourse in CEE commonly displays metaphors related to this, such as the spring of nations, democratic awakening, (belated) Europeanization, the new start, and so on. The emerging social-democratic discourse in CEE frequently uses this strategy of amnesia in its attempts to avoid the stigma attached to the Communist regime, which allegedly espoused a radical version of social-democratic values. The amnesia tactic is also embraced by many aspirants to political power across the entire political spectrum in CEE (many ambitious people are in one way or another touched by the previous Communist regime and therefore omissions in one's personal biography might help diminish the political vulnerability of the candidate and promote them to a decision-making position). Evidently, in the context of the dominant anti-nostalgic pattern that prevails in the region, amnesia is not relevant to dissident activities or other anti-Soviet engagement. However, given the tremendous differences in shares of what is to be forgotten (collaboration in the Soviet times) and what is to be glorified (anti-Soviet resistance), tensions related to

historical memory and reconciliation in Lithuania are big, and chances to knowingly overcome some touchy elements in personal biographies of political aspirants are minimal (in her 2009 electoral campaign, President Grybauskaite unsuccessfully used the strategy of amnesia in relation to her studies of political economy in Leningrad in the 1970s and her career in the Vilnius Higher Party School in the 1980s).

The third method used by the post-Communist societies to deal with their past is 'historical revisionism', which amounts to, on the one hand, a reinterpretation of the Soviet past as something completely alien to CEE (and Russia) or, on the other hand, revealing the positive contributions of the Soviet system to the formerly agrarian societies of the region. One group of revisionists claims that Soviet rule and the Soviet system were merely imposed by a handful of (local) Bolsheviks, whose power was based on the use of terror and repression against the majority of the population, or – as in the case of Baltic countries – decided by international conspirators (in the secret protocols of the Molotov–Ribbentrop Pact of 1939) behind closed doors. Another group of revisionists tries to justify the pro-Soviet engagement by the generation of individuals born in the 1940s–50s, who did not have any other options for having a full social life aside from teaming up with the handful of devoted Communists sent by Moscow to supervise and impose the Soviet regime in their country. Indeed, after the first wave of memory-related publications (dated from 1988, when the national awakening movement received its impetus in Lithuania, and which dealt with the deportations to Siberia, anti-Soviet resistance, the Lithuanian guerilla forest brothers, the Catholic Church's resistance to atheism and anti-Soviet dissidence), the second wave of memory-related publications emerged around 1992. These were autobiographical stories of notorious members of the Soviet *nomenklatura* and other career-minded people who collaborated with them. The titles of the books are very evocative: *Confession of the Amber Lady* by Kazimiera Prunskiene, the vice prime minister of the last Soviet Council of Ministers in Lithuania (1989–90); *And Then We Labored for Lithuania* by Algirdas Brazauskas, the last first secretary of the Lithuanian Communist Party; *The Generation of Non-Lost People. Profiles and Colors* by Lionginas Sepetys, the last Lithuanian CP secretary for ideology; *Enclosed in/by Time* by Vytautas Astrauskas, the Lithuanian CP secretary for agriculture and the last chairman of the Presidium of the Supreme Soviet in Lithuania, and so on.

On the opposite side, the revisionists from the conservative-nationalist political spectrum drafted a law that proclaimed that Vytautas Zemaitis-Vanagas (1907–53), who was a leader of the guerilla

resistance ('Forest Brothers') in Lithuania and was captured and killed in Moscow in 1953, was a *de jure* president of Lithuania. In 2009, the Lithuanian *Seimas* adopted this law, despite the hesitations expressed by numerous jurists and intellectuals in Lithuania and abroad.

Finally, the fourth approach to the Soviet past is 'nostalgia', an uncritical glorification of those Soviet times and experiences no matter what they were really like. Nostalgic moods in CEE have been reflected in sociological survey data since the very beginning of the post-Communist transition. The 1992 parliamentary elections in Lithuania were a great surprise in that they put former Communists (back) in power. Sociologist Gaidys showed that the political preferences of Lithuanian voters can be reasonably well predicted by the level of their appreciation (or apprehension) of Soviet times: People who think that 'life was better under the Soviets' score significantly higher on their intentions to vote for the ex-Communist party (social democrats) than those who disagree with this statement (and who intend to vote for nationalist, liberal or conservative parties) (Gaidys, 2005). However, as alluded to above, in Lithuania the social-democratic party espouses rather anti-nostalgic or amnesiac patterns of collective memory in its public stances, and therefore the mass public's association of this party with Soviet nostalgia is even more extraordinary.

In order to accurately capture the paradox of popular Soviet nostalgia we should bear in mind that none of the Lithuanian parties or individual politicians explicitly refer to Soviet nostalgia in their attempts to win electoral support. However, in a series of qualitative interviews and public opinion surveys, political scientist Ramonaite demonstrated that the Lithuanian people (irrespective of their social position) who feel some nostalgia for the Soviet times tend to favor pragmatist versus normative politics. They also take less of a moralistic stance toward politicians and civil servants. Nostalgic Lithuanians are distinctive in terms of their party preferences, but they do not necessarily favor the ex-Communist social democrats; they also like populist parties (Ramonaite, 2007, p. 101). In short, nostalgic people are concentrated among the most socially vulnerable groups. Their nostalgia is in fact a retrospective utopia, a wish and a hope for a safe world, a fair society and well-being in general. Soviet nostalgia as such proves to be not so much an ideological effort to celebrate the Soviet past as it was, but rather an amorphous wish to transcend the (difficult) present.

Nostalgic culture is exploited by enterprising people. Street sellers of badges with the red star, record companies which publish Soviet revolutionary songs, images of Lenin or other Communist leaders who appear

in tourist attractions – all capitalize on nostalgia for those times. Bygone times and themes have always inspired artists, and they inspire even more in the postmodern world of eclecticism, de-contextualization, deconstruction, de-canonization and parody. This creative nostalgia is playful and non-dogmatic. This second-hand nostalgia unites a positive attitude toward the Communist past with other contemporary sub-cultural and political elements (Velikonja, 2009, p. 544). With its law forbidding the use of Soviet symbols in public space, Lithuania is the only post-Communist country trying to trim down the visual scope of its culture of nostalgia by overtly political means.

The Lithuanian civil code (Administrative Law 188.18) bans the public display of Soviet (and Nazi) symbols and prohibits their sale, except as antiquarian items. For example, in the old town of Vilnius souvenir vendors cannot sell Komsomol pins or T-shirts emblazoned with Lenin's portrait. After a prolonged process of parliamentary and public deliberations, a law to this effect was adopted in June 2008. Social-democrat parliamentarian Algirdas Sysas commented that the definition of the Soviet symbols was unclear and that such a ban might not serve any constructive purpose (i.e. it would not help society's reconciliation with its past). However, broad political support for the law has been maintained because of its additional educational provisions (e.g. the teaching of history through knowledge of Soviet symbols that are kept in museums and not vulgarized by appearing in street-level popular culture).

To sum up, which version of the Soviet past emerges in public discourse, social practices and cultural heritage, and to what extent it does, depends on many factors and tells us much about the constitution and tendencies of Lithuanian society. At any rate, memories of the Soviet period provide agency to ordinary people and even more so to political elites, whose different ways of interpreting the past continuously re-establish themselves and interact with one another.

Survey data: Political elites not cohering ideologically

The previous section amply demonstrates that elites are very much aware that memory is a source of political contestation. Political leadership thrives on discursive and institutional opportunities to reshape or renegotiate the recent past. Therefore, political sociology is moving from the study of social structures and normative systems to that of practices.

Researchers forcefully argue that memory belongs to the growing socio-political concern with 'life-politics', which develops ethics concerning the issue 'how should we live' in a post-traditional order and

comes to replace conventional political debates around issues of redistribution and class (Hechter, 2004, p. 401). Therefore it is not unexpected that the field of memory has become a forum for particularly intensive and noticeably structured political contestation. With the knowledge that party cleavages in the post-Communist region in general and in Lithuania in particular are remarkably weak, we conducted a survey of political elites' attitudes concerning the management of the past, with the assumption that it might be better structured programmatically than along the lines of traditional political studies that examine political party ideologies along two major dimensions: economic interventionism by the state versus the free market, and individual freedoms versus traditions and community values.

Our empirical material is based on data from the Lithuanian website www.manobalsas.lt, which was developed on the basis of a similar study in Switzerland.[1] The website has been operational since 2007 and makes the online questionnaires available to anyone who wants to check the proximity of their views to their desired party representative. The questionnaires are separately presented for each election (to the *Seimas* in 2008, to the European Parliament in 2009, and for president of Lithuania in 2009). They provide 40–60 political issues that the respondent must evaluate using a scale of 1–4, where 4 means 'strongly agree/yes' and 1 means 'strongly disagree/no' (with 0 for 'don't know'). All candidates for the *Seimas* in 2008 were invited to complete the questionnaire. Political candidates also had the option of writing in additional commentaries on their responses. A total of 333 candidates[2] completed the questionnaire and submitted it to the website organizers. For our research we selected four questions related to the management of the Soviet past, to see how and if Lithuanian political elites diverge on memory issues.[3]

We expect that individual Lithuanian politicians will cluster near their own parties along these four dimensions that are related to interpretations of the past. In particular:

- the social-democrats (dominated by the ex-Communists)[4] will be concentrated near the low end of the scale of all four questions (values 1 and 2);
- the conservatives (dominated by former *Sajudis* activists)[5] will be concentrated near the high end of the scale of all four questions (values 3 and 4);
- the liberals[6] will be against any general ban on Soviet symbols and in favor of open archives (the low end on the scales from questions 3

and 4), but in favor of lustration of former Soviet collaborators (the high end on scales from questions 1 and 2);
- the populists[7] will be for general bans (the high end on the scales from questions 3 and 4), but against lustration of former Soviet collaborators (the low end on scale from questions 1 and 2).[8]

The research shows that indeed, political candidates have strong opinions about issues related to the political management of the Soviet past. The most numerous 'no opinion' responses (11 out of 333) was on the question about banning Soviet symbols. The other three questions generated only—two to four 'no opinions' each.

We decided to conduct a multiple correspondence analysis (Burt matrix approach with adjustment) because it differentiates all kind of associations between modalities of active variables, without *de facto* ignoring those that run counter correlations between indicators. In our case it accounts for all combinations of answers to the question, and thus helps to identify the entire diverse range of political candidates' convictions. It also distinguishes between weak and strong answers, such as 'definitely yes' and 'probably yes'. The data reveal that our general hypothesis about the clear-cut clustering of political parties by their candidates' attitudes toward the past is not fully borne out (see Figure 6.1).

Conservative candidates indeed cluster around points 3 and 4 on all four items. The conservatives advocate the most restraining and condemnatory attitudes toward the Soviet past and definitively support the preventive political management of collective memories.

In second place to the conservatives on a broadly restrictive position is a sector of the populist camp (parties TT and TPP), but highly restrictive views toward the Soviet past are not espoused by the representatives of the anchor party (DP) of the camp of Lithuanian populists. The representatives of the DP diverge rather strongly among themselves and therefore the party as a group converges to zero in its attitudes on these four items. The marginal party representing the peasant population (LVLS) closely mirrors the populist DP in its pattern of an 'absolute zero' attitude toward the political management of the past, due to its high intra-party variance on the attitudes in question. It appears that, contrary to our expectations, part of the populist politicians in Lithuania are very consistent in their restrictive attitudes toward both general bans and blaming the Soviet era, as well as lustration of former Soviet collaborators. Therefore, the differences between a part of these populists and the conservatives in Lithuania should be sought out

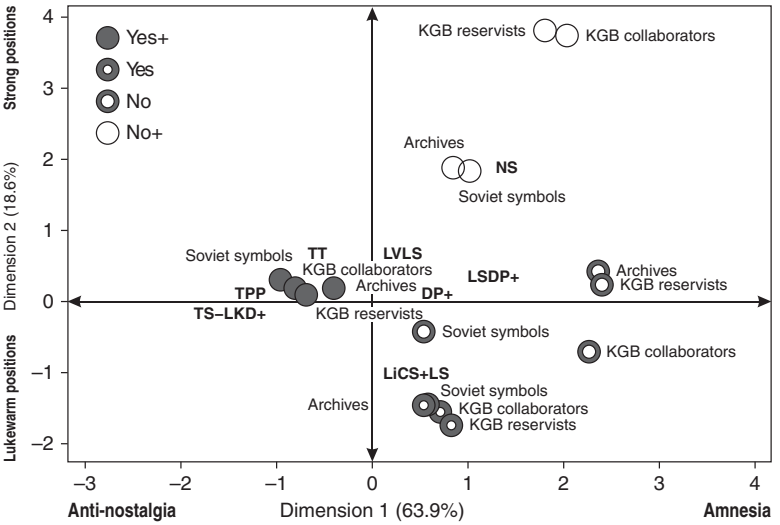

Figure 6.1 Distribution of party groups' attitudes toward political management of the past in Lithuania.

Coding: For party groups (see notes 6–9); Survey questions upon which the dimensions were created: Question 1: Should there be restrictions on former KGB collaborators holding public office? (1 – KGB collaborators NO+ [no], 2 – KGB collaborators NO [probably no], 3 – KGB collaborators YES [probably yes], 4 – KGB collaborators YES+ [yes]); Question 2: Should there be restrictions on former KGB reservists holding public office? (1 – KGB reservists NO+ [no], 2 – KGB reservists NO [probably no], 3 – KGB reservists YES [probably yes], 4 – KGB reservists YES+ [yes]); Question 3. Should Soviet symbols be banned? (1 – Soviet symbols NO+ [no], 2 – Soviet symbols NO [probably no], 3 – Soviet symbols YES [probably yes], 4 – Soviet symbols YES+ [yes]); Question 4: Should the KBG archives be opened? (1 – Archives NO+ [no], 2 – Archives NO [probably no], 3 – Archives YES [probably yes], 4 – Archives YES+ [yes]).
Source: Created using the database available at www.manobalsas.lt.

on other dimensions (presumably on economic issues), and not on the issues of collective memory and support for political management of the past. However, the populist camp in Lithuania does not form an unambiguous cluster.

The social-democrats, as expected, are concentrated at the lower end of the scale of all four memory issues. Yet the social-democrats also display very lukewarm attitudes, as they rarely take strong positions (value 1) and are not strongly opposed to the lustration of former Soviet collaborators, the opening of Soviet archives, and bans on the public display of Soviet symbols.

The liberals are similarly lukewarm in their support of restrictive measures related to the past and rarely display strong opinions (value 4) on

any of the selected issues. The liberals are much less dichotomously structured than expected in their attitude toward the ban on the use of Soviet symbols. To some extent, in their tepid views on this issue, they show their disapproval of the existing law. Mostly giving value 2, the Lithuanian liberals come close to the lukewarm social-democrats.

The candidates of another marginal party (NS) were the only ones to have strong (negative) opinions on all four selected issues. Their subsequent electoral failure might be (partially) explained by their strong (permissive, amnesiac) stances toward the Soviet past, as this position in the field of memory is seemingly unattractive to Lithuanian voters.

To sum up, there are discernible party-related patterns that one can observe in the distribution of politicians' attitudes toward the past and its residues in contemporary Lithuanian politics. The conservatives and some Lithuanian populists express rather coherent anti-nostalgic stances. The populists in their commentaries to www.manobalsas.lt emphasized the 'need to carry on preventive educational work and explain to the population the specificities of the Soviet system and its ideology'.

At the other extreme, amnesiac attitudes are voiced by the marginal political party NS. Other political parties in Lithuania are not that clearly structured either ideologically or discursively. The social-democrats and liberals have lukewarm views on issues of memory. The liberals display a slightly conservative (anti-nostalgic) bias but do not support anything as strong as banning the public display of Soviet symbols. Neither liberals nor social-democrats in Lithuania display an unprincipled permissiveness (historical revisionism) or broad-minded approach (amnesia) toward the Soviet past. The dominant line of the social-democrats' reasoning reflects their belief in the salutary political and social reconciliation of different groups with their complex past and with their troubled approaches to the Soviet regime. Liberals tend to place the accent on the passage of time and believe that specially enacted restrictive laws will eventually become obsolete. For instance, a liberal candidate argues that straightforward anti-KGB restrictions in the field of civil service recruitment might be abolished because 'these people [former KGB agents] are aging'. Yet liberals do not count much on the healing effects of time when it concerns civil society at large (e.g. liberals are in favor of opening the secret archives for public access). In their comments, the liberals emphasized that it would be best if people who served the Soviet regime previously would 'themselves understand and refrain from taking important positions in contemporary Lithuania'; that 'each case of collaboration with the KGB was an individual story

and should not be judged at large'; that 'a ban on Soviet symbols would not help eradicate the Soviet mentality'; and that 'only the public access to the secret archives can protect people from political blackmail.'

The Lithuanian populists bifurcate into two groups. One group, in true populist manner, reflects the real *pot-pourri* of attitudes related to Soviet symbols and KBG archives and laws concerning KGB collaborators and reservists. However, there are very few populists who overtly stand against banning Soviet (and Nazi) symbols and against opening the secret archives for public access. Contrary to our expectation, in conservative manner, many populist politicians consider legal restrictions taken against former collaborators with the Soviet regime to be necessary and appropriate.

On the one hand, post-Communist Lithuanian elites are rather strict when issuing verdicts of guilty and punishing individuals (and by doing so, they diminish the chances to impersonally distribute guilt across the entire society). Even Lithuanian liberals do not have much difficulty translating the discourse of lustration into laws of retroactive justice, which bases its legitimacy upon moral and ethical arguments and proceeds from an illiberal presumption of guilt.

On the other hand, Lithuanian elites are sensitive to the visualization and objectification of the Soviet experiences and memories. The elites try to rationally and convincingly educate and inform people about the Soviet past and to limit other sources of possible social learning that are less easy to control (because they relate to aesthetics and play upon affect and sentiments, as well as on collective imaginary and myths).

Conclusions

Memory is located not inside the heads of individual actors, but rather within the public discourse and messages produced by political contestation. From the feminist agenda we are aware of the techniques of consciousness-raising, and that the development of the self is inconceivable outside a politically and symbolically structured social context. Post-Communist discursive approaches and institutional practices related to the management of the Soviet past resemble the feminists' aims to liberate an individual from a distorted identity formation (be it by the Soviet ghosts that permeate society or by male-dominated cultures).

Several stories about Soviet times are constructed and displayed by different political elite groups in post-Communist Lithuania even 20 years after the breakdown of Communism. However, with the

partial exception of conservative anti-nostalgic leaders (allied with some populists), the Lithuanian political elite does not clearly cluster into any political clubs with coherent views toward Soviet practices, truths and arts. Only conservative politicians are very consistent in their restrictive views about the past and are willing to engage into intense preventive-educational decision-making. The other three political camps (social-democrats, liberals and populists) are much more internally divided and tend to display lukewarm attitudes toward the Soviet past and its political management.

Our study does not permit us to empirically demonstrate that a homogenization of political elites' attitudes has occurred over 20 years of post-Communist transition. However, analysis of the laws adopted and public policies espoused, along with the results of the 2008 survey of political elites' attitudes, provide sufficient grounds for generalizing that anti-nostalgia, negative assessment of the Soviet experience in social life, the public sphere and the civil service is the dominant way of relating to the past in Lithuania. The social-democratic, liberal and populist (however partial) efforts to accommodate more permissive attitudes toward the Soviet past and individuals' career trajectories under the Soviets do not enjoy much resonance among the Lithuanian elite at large.

Acknowledgments

The author expresses special thanks to Aine Ramonaite for sharing the data-set available on the website www.manobalsas.lt, to Vaidas Morkevicius for helping with statistics, and to Sharon Werning Rivera for the English edition.

Notes

1. www.smarvote.ch, accessed 5 September 2010.
2. Response data for all 333 candidates who completed the www.manobalsas.lt questionnaire for the 2008 *Seimas* elections were used for the empirical analysis. Twenty per cent of them (69) were elected to the *Seimas* (the total number of seats in the *Seimas* is 141). Thus, our sample includes 50 per cent of the actual *Seimas* MPs.
3. Question wording was as follows:

    1. Do you agree that there must be certain restrictions on employment in civil service and education for individuals who previously collaborated with the Soviet secret services? (A law on this was adopted in 1990.)

2. Do you agree that former KGB reservists should be banned from holding important decision-making positions in the state? (In 2007 there were several initiatives for passing such a law; however, each one failed to garner a parliamentary majority.)
3. Do you approve the ban on Soviet symbols? (A law on this was adopted in 2008.)
4. Do you agree that the archives of the Soviet secret services should be made be accessible without any restrictions?

4. Social-democrats LSDP+ (this party group label includes candidates from the Lithuanian Social Democratic Party LSDP, Political party 'Frontas' and Lithuanian Social Democratic Union LSP; $N = 53$).
5. Conservatives TS-LKD+ (this party group label includes candidates from Homeland Union/Lithuanian Christian Democrats TS-LKD, Lithuanian Center Party LCP and the nationalist party 'Young Lithuania' JL; $N = 75$).
6. Liberals LiCS+LRLS (this party group label includes candidates from the Liberal Movement of the Republic of Lithuania LRLS and Liberal and Centre Union LiCS; $N = 77$).
7. Populists DP+, TPP and TT (this party group label includes candidates from the Labor Party and Labor Youths Party DP+, the National Revival Party TPP and the party 'Order and Justice' TTP; $N = 67$).
8. Candidates from the parties Lithuanian Peasant People Union LVLP ($N = 15$) and New-Union/ Social Liberals ($N = 24$), which did not surpass the electoral threshold and were marginalized in the 2008 *Seimas* elections, are treated separately and are not included under any of the four main party groups. Others (candidates from other small parties and independents; $N = 22$) account for 6.6 per cent of the total sample of 333.

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7

The Chernobyl Nuclear Accident and Identity Strategies in Belarus

Tatiana Kasperski

The collapse of the Soviet Union coincided with, and was partly precipitated by, the public revelation of the true scale of the Chernobyl nuclear accident. In the late 1980s, the authorities of the Belarusian Soviet Socialist Republic had to manage the impact of the substantial radioactive contamination of the republic's territory along with the strong popular dissent that resulted from the three-year cover-up of its true consequences by Soviet officials. The Belarusian Popular Front (BPF) that represented a nationalist movement and challenged the Belarusian governing elite became the main political actor speaking on behalf of the Chernobyl victims.

In spite of considerable popular support, Belarusian separatist nationalists did not come to power. Beissinger states that they 'failed mobilizationally but succeeded substantially' (Beissinger, 2002, p. 252). In other words, their demands for sovereignty from the Soviet Union, the adoption of Belarusian as the state language, and their demands for the legislation protecting Chernobyl disaster victims were satisfied. Nevertheless, the state authorities were the ones who obtained 'the control of the success of nationalism' by co-opting the main demands of their opponents.

After independence, the Belarusian government also had to face a deep economic crisis that followed the collapse of the Soviet Union, together with the enormous expenditures caused by the relocation of the population from the contaminated areas, and the payment of compensation to the Chernobyl victims. In 1994, Alexander Lukashenko was elected in the first presidential elections in independent Belarus. Since the mid-1990s he has progressively instituted an authoritarian regime and put an end to the halting political and economic reforms that the Belarusian government had started to implement in the first

years of independence. During the almost 20 years that Lukashenko has been in office, he has also initiated a number of revisions of legislation in order to considerably reduce Chernobyl-related expenditures and compensation for those who suffered from the disaster's impact.

The first two decades of Belarusian independence were also characterized by intense nation-building. Both state officials and their challengers engaged in nationalization policies. Those policies corresponded to what Brubaker called 'the forms of nationalism that have *resulted* from the nationalization of political space', and 'are different from – and less familiar than – those that helped *engender* it' (Brubaker, 1996, p. 4). The governing elite and the opposition forces tried to impose their nationalization projects on the newly independent Belarus, praising their visions of national identity and the related political order that came with it. By doing so they were seeking to legitimize their authority or aspirations to power in the new institutional and political framework.

Since independence, two main competing conceptions of nationhood have coexisted in public discourse and collective representations in Belarus: an ethnic Belarusian conception and an Eastern Slavic conception. The former insists upon the predominant role of the national language, culture and history, and is characterized by pro-Western and more or less anti-Russian orientations. The latter appeals to the strong historical and cultural ties between three Eastern Slavic peoples, praises Russian–Belarusian bilingualism, and is grounded on the historical myths of the Tsarist and Soviet era as well as on anti-Western and pro-Russian aspirations (Leshchenko, 2004).

In the early 1990s, the Belarusian state implemented nation-building policies that promoted an ethnic Belarusian conception, which was similar to the vision that the BPF had initially defined at the end of the 1980s. The official state discourse on Belarusian nationhood changed dramatically after Lukashenko became president. Since the mid-1990s, the Belarusian state has actively promoted Eastern-Slavic Belarusian identity grounded on the Soviet past. The Russian language has become a second official language. Lukashenko has also undertaken important efforts to establish close ties with Russia while setting Belarus on a course of isolation from the West.

This chapter will analyze these national identity strategies, focusing on the representations they constructed of the Chernobyl nuclear disaster, in an attempt to promote a sense of belonging to the Belarusian 'imagined community'.[1] It will describe the characteristics of the Belarusian national community, as posited by state officials and opposition actors, and expressed through symbols, rituals and

narratives of different historical events that stigmatize enemies and glorify heroes. While examining the narratives of the Chernobyl disaster in the framework of these two identity projects, it will focus on the way different political actors define imaginary frontiers for the community, and emphasize the similarities between national community members and their differences from non-members. The construction of enemies and threats will be analyzed as one of the possible definitions of this 'otherness'. The article will also highlight the articulation of the past, present and future of the Belarusian community as it is presented by the competing national identity narratives.

The Belarusian national community in official discourse: From the Great Patriotic War to the revival of the Chernobyl lands

Since coming to power, President Lukashenko has promoted a national identity based on the Soviet historical narrative, in which the Great Patriotic War (Second World War) plays a crucial role. In his speech on the 60th anniversary of the victory in the Second World War, he summarized the official version of the common destiny of the Belarusian people in the following way: 'We experienced three disasters during the last century: namely, the Great Patriotic War, the Chernobyl tragedy and the collapse of the country – the Soviet Union'.[2] The Chernobyl nuclear accident has become part of the official narrative, as an event that reminds the Belarusian people of their suffering and heroism during the war against the German invaders.

Comparisons between Chernobyl and the Great Patriotic War are often present both in personal retellings of the event and in the official discourse, because of the importance of the war's memory for many Belarusians. During the Soviet period, the Communist Party created a full-blown cult of the Great Patriotic War (Tumarkin, 1994). This cult had a particular impact in Belarus, where a vital partisan movement had actively struggled against the invader. Belarus also suffered the greatest destruction and losses of all Soviet republics. This explains a very strong Belarusian attachment, particularly in older generations, to Soviet values and symbols. Since coming to power, Lukashenko has utilized this narrative to confirm his political legitimacy. The memory of the Great Patriotic War has become the main pillar of the historical narrative upon which the official identity project is based. Lukashenko presented himself as the main defender of the sacred memory of the heroic exploits of the Belarusian people while maintaining, and even reinforcing, the cult

of the victory in the war. Every year, the state authorities commemorate this victory as a founding myth of the Belarusian national community, which serves to glorify the Soviet system and the principles and values upon which it was based.

The parallel established between the Chernobyl disaster and the Second World War contributed a great deal to the inclusion of Chernobyl in the official historical pro-Soviet narrative. It helped Lukashenko progressively to supplant the interpretation of the disaster that had been originally proposed by the anti-Soviet nationalists in late 1990s with a pro-Soviet version. By comparing the Chernobyl disaster with the Great Patriotic War, Belarusian officials frame the Chernobyl disaster as another battlefront for the Belarusian nation, which will unavoidably come out victorious, united and regenerated. The references to the glorious moments of the Soviet past serve as a proof of the upcoming revival of the Chernobyl lands.

The commemoration of the Chernobyl disaster is usually an occasion for state officials to depict a very positive image of the common present and future of the Belarusian people, which suggests the inevitable rebirth of the territories affected by the accident at the Ukrainian nuclear power plant.[3] Belarusian officials insist that this revival has been made possible by the dedicated work of all Belarusian people, and particularly by the courage and the wisdom of Lukashenko.

Between 1989 and 1991, the Soviet and Belarusian authorities adopted a series of laws that provided Chernobyl victims with compensation and planned the relocation of more than 120,000 people from the radioactively contaminated territories between 1990 and 1995.[4] However, after the collapse of the Soviet Union and the deep economic crisis that followed, the Belarusian state turned out to be incapable of providing relocated people with decent conditions in which to live, or of paying compensation to the inhabitants of the contaminated areas and to other victims of the accident. Once elected in 1994, Lukashenko suggested a new approach to the management of the consequences of the Chernobyl disaster, which broke with previous policies in this matter. Claiming that some of the post-accident measures that Belarusian authorities took in the early 1990s were too brutal and alarmist, he criticized the policy of massive relocation of the people from affected territories and the abandonment of vast agricultural lands where it was impossible to produce non-contaminated goods.[5] Lukashenko declared the country should not passively tolerate the consequences of the disaster or admit losses in land, housing and employment. Instead, Belarusians would have to overcome the tragedy, become the masters

of the situation, and devote themselves to the heroic reconstruction of the injured homeland. Thus, the Belarusian president began to promote actively the recovery of the affected areas and the return of the people to these lands. By doing so, Lukashenko aimed at establishing himself as a strong, proactive leader who was able to do what his predecessors had failed to achieve: overcoming the disaster and overseeing the reconstruction of the national community. The neglect of the multiple risks involved in living and working in contaminated areas was the underside of this new approach.

'Revival' became the watchword for this new policy and for the official identity and memory strategy it was based on. Keeping with the habit of highlighting his policies' successes, President Lukashenko confessed, on 26 April 2005, during his traditional trip to the affected territories: 'If someone had asked me 10 years ago whether we would manage to do so much, I would not have believed we could. But the people did a lot, assisted by the government' (Belarusian State Committee on the Problems of the Consequences of the Chernobyl Catastrophe, 2005, p. 33). He was thus convinced that 'in 20–30 years the damaged lands [would] be revived to be no worse than they used to be before the Chernobyl tragedy' (Belarusian State Committee on the Problems of the Consequences of the Chernobyl Catastrophe, 2005, p. 4).

This revival rhetoric contributes not only to justifying the decreasing expenditures on the post-accident policies and the negation of the risks related to the recovery of the contaminated areas, but also to giving legitimacy to the very paternalist and populist style of government upon which the Lukashenko regime is based. Thus, Belarusian officials constantly emphasize governmental and personal presidential concern for every victim of the Chernobyl disaster, while simultaneously cutting funding for remediation. The official mass media depict the authorities' attitude toward the inhabitants of the contaminated regions in very emotional terms, making it resemble more parental care than a rational policy implemented by state institutions. The Belarusian president appears in these descriptions to be taking to heart the difficulties encountered by all the Chernobyl victims. Belarusian officials insist that all the state activities related to the management of the consequences of the disaster have been achieved under 'personal patronage of the president' (Belarusian State Committee on the Problems of the Consequences of the Chernobyl Catastrophe, 2005, p. 31). Lukashenko's annual April trip to the contaminated areas has become a political ritual that aims at demonstrating his dedication to Belarusian people and the crucial role of his political will in overcoming the Chernobyl consequences.

Opposition discourse: From Soviet oppression to 'political Chernobyl'

Unlike the official discourse about the glorious Soviet past of the Belarusian people, the leaders of the BPF and other opponents to the Lukashenko regime depict the Soviet period as a tragic and gloomy interlude in Belarusian history. The nationalists consider the Chernobyl disaster as a symbol of the loss and the tragedy that the national community has experienced throughout its history. They depict the accident as one of the crimes committed by the Soviet system against the Belarusian nation, which had been repressed for centuries by successive imperial authorities until it finally had a chance of revival after independence.

In order to unify the nation, the representatives of the nationalist opposition emphasize the sufferings endured by the Belarusian people. This strategy of victimization can be illustrated by the frequent use of the term 'genocide' in the nationalist rhetoric of the opposition forces (Goujon, 1999). Some of their leaders refer to the notion of 'genocide' to describe virtually all the tragic events in the last three centuries of Belarusian history: the war between Muscovy and the Great Duchy of Lithuania in 1654–67, the annexation of the Belarusian lands by the Russian Empire after the three partitions of Poland (in 1772, 1791 and 1794), the policy of russification that followed the annexation, the First World War, the October Revolution, the collectivization, Stalinism, the Second World War, the Brezhnev period and the Chernobyl disaster.[6] Furthermore, genocide, in this context, means not only the physical destruction of the Belarusian population, but also the destruction of the Belarusian language and culture ('cultural genocide') and the ecological disaster caused by the explosion on the Chernobyl nuclear plant ('radio-genocide').

In this historical narrative, the interpretations of the Chernobyl disaster tell the story of a confrontation between Communist criminal authorities, described as 'colonizers', and the Belarusian 'nation-victim', which endures the consequences of this disaster as the ultimate test of its survival capacity and unity – a test that contains strong mystical and religious meaning. This interpretation of the accident leads nationalist activists to draw a parallel between the Chernobyl disaster and the mass grave site of Kurapaty. Since its public revelation in June 1988,[7] Kurapaty (a wooded area near Minsk where the NKVD, the Soviet secret police, buried tens of thousands bodies slaughtered between 1937 and 1941) has become the symbol of the Stalinist and Soviet repressions against the Belarusian people. This memory site has been of great

importance both for the nationalist movement when it opposed the Communist regime, and later on, for the opposition to the Lukashenko regime, seen as the heir to the worst Soviet traditions. Since the late 1990s the members of the BPF and other representatives of the opposition commemorate Kurapaty and Chernobyl as the two Belarusian national tragedies which caused an important 'national uprising' against the authorities in the late 1980s and the early 1990s. The nationalists perceive this protest movement as proof of the vitality of the nation, despite having been repressed for a long time. They also consider it as symbolic of the people's indignation against the political authorities who have violated their rights to freedom, culture and the protection of life and health.

This martyr community, however, was not able to fulfill the promises of independence from the Soviet Union, due to the instauration of authoritarian rule after Lukashenko's rise to power in 1994. According to the opposition, the Lukashenko regime became a 'political Chernobyl' for the Belarusian nation. In a speech delivered on the 20th anniversary of the Chernobyl disaster, Alexander Milinkevich, the presidential candidate from the nationalist opposition, declared: 'The [Chernobyl] tragedy that happened 20 years ago could have consolidated the nation in the name of the future.' Yet ten years after the disaster a 'coup d'état' occurred which led the country to 'another disaster, probably even more serious – a true spiritual and political Chernobyl'.[8]

According to those who contest the Lukashenko regime, the current Belarusian authorities do nothing but pursue Soviet-like cover-up of the disaster's consequences: officials keep the real dangers of the radioactive contamination secret, they declare that contaminated areas are clean and can be intensely farmed, and they send young employees and experts there against their will, especially in the framework of the first compulsory job assignments after completing university. The Belarusian regime, as the opposition likes to remind the nation, has deprived many of the Chernobyl victims of the privileges they were given in the early 1990s to indemnify them for the damages caused by the Chernobyl disaster.

Moreover, the opponents to the Lukashenko regime consider Chernobyl as essentially a political problem which can be solved only through the country's democratization and the removal of a regime based on violence and lies. They also use the frame 'political Chernobyl' as a metaphor to describe the current political situation of the country: the repression of the opposition, the violation of human rights and the end of political and economic freedom.[9]

Official discourse: Demographic and radiological risks, the brotherly Russian people and the villainous West

While promoting the revival of Chernobyl lands, Belarusian officials also constantly remind the inhabitants of the contaminated areas of the dangers related to the radioactivity. Authorities use the risks related to the Chernobyl consequences as another symbolic means to emphasize the need for the members of the national community to stay united. In the official discourse, living on contaminated areas appears as something unavoidable and thus normal, and not as the result of a political choice that endangers the inhabitants of the contaminated areas. Moreover, officials frame the consequences of the Chernobyl disaster and radioactive dangers in terms of an external enemy and a silent war against the Belarusian people, even if the inhabitants of the contaminated areas have been dealing with them on a daily basis for more than 20 years. This war against an invisible and perfidious enemy requires the national community to be united and vigilant.

An article on the disaster's 20th anniversary written by a journalist for the state-sponsored newspaper, for example, reads:

> There is a silent war that cesium and strontium still continue to wage against the Belarusian people 20 years after the disaster. The first attack of Chernobyl against our health – through radioactive isotopes of iodine – was sudden and short. Then, it was the heavy artillery which entered into the battle – i.e. cesium and strontium. Will we be able to strike back?[10]

This war frame serves several political objectives. It helps maintain daily political control over every individual through the prescription of innumerable rules and norms of behavior in the contaminated areas aiming at reducing people's exposure to radioactivity, regular compulsory control of internal contamination, and measurements of alimentary and environmental radioactivity. The use of the war frame also contributes to concealing the political responsibility for the accident and for the management of its consequences. It allows the officials efficiently to depoliticize the issue of living in the contaminated areas, since each individual is held responsible for the state of his or her health, while the authorities claim to have done their best to inform the population of the risks and to prescribe appropriate rules. Thus, this interpretation of the Chernobyl disaster fuels a very paternalist and authoritarian system of management of the accident's consequences, while increasing the legitimacy of the current political regime.

The state authorities also use the threat of a growing demographic crisis, itself partially the product of Chernobyl, to weaken the opposition and to require society's mobilization under their direction. A concern for demographic problems is regularly expressed in numerous official speeches, and has been translated into a 'National Program for the Demographic Security of the Republic of Belarus' that the Belarusian government adopted in 2006. State representatives frequently remind the citizenry that the country's population has been constantly falling since 1994, as a result of a high mortality and a low birth rate. The authors of a national report on the disaster's consequences emphasize that depopulation threatens mostly the Chernobyl-affected regions in southeastern Belarus. They state that in the 20 years that followed the nuclear accident, the Gomel region has lost about 9 per cent of its inhabitants (150,600 people), and the Moguilev region about 7 per cent (88,100 people) (Shevchuk and Gurachevskiĭ, 2006, p. 64). Thus, officials indirectly associate the Chernobyl disaster with the possible decline or even disappearance of the Belarusian community, which has had to mobilize immediately in reaction to this threat.

In an interview on the demographic problems in Belarus, the Belarusian vice prime minister highlighted the fact that demographic security is one of the main elements of national security. Therefore, caring for one's health and giving birth to children is the duty of every citizen toward the state and the people as a whole.[11]

This demographic discourse indicates a highly technical and centralized perspective of public health and demographic problems, where people's lives, rather than being appreciated for themselves, are primarily seen as a resource for the authorities. It also warrants the public policies that encourage the rehabilitation of the contaminated areas, based on statistical comparisons of the possible additional losses due to the harmful effects of the radiation on human beings and those created by the abandonment of the agricultural lands and industries in these areas.

The Belarusian authorities also use threats related to the consequences of the Chernobyl disaster to justify the growing control over all spheres of political and social life and repressions against the opposition. Commenting upon the protest commemoration of the Chernobyl disaster in April 2004, the Belarusian president qualified its participants as thugs (*otmorozky*):

> Is this an opposition? People called them by their right name, 'thugs', no one can say better. And, generally speaking, how is it possible to transform, say, the Chernobyl tragedy, into an instrument that splits

> through the society? It can't be logically explained. Such troubles have always rallied the people in Belarus. People get together to overcome it. Look what they are doing! A political show, a performance based on human grief![12]

Those who protest against the regime and its post-accident policies are accused of seeking to use the Chernobyl disaster to destabilize the Belarusian society, to provoke internal conflicts and to prevent the government from helping Belarusian people return to a normal life.

The official discourse on Chernobyl also suggests the way Belarusians should define themselves in opposition to the rest of the world – that is, other countries and communities. First, the authorities usually emphasize the fact that Belarusians are those who suffered the worst consequences from the Chernobyl disaster, thereby highlighting a kind of messianic role that the Belarusian community has endorsed in experiencing the most important nuclear accident in human history. They depict this tragedy as a source of national pride, since Belarusians managed to hold out in this tremendous battle. Often ignoring the international help received by the republic since 1986, they point out that Belarus did so almost without any support from other countries. Thus, an official photo album published for the 20th anniversary of the Chernobyl disaster reads:

> While the world got engrossed in the debate about causes and guilt, Belarus, virtually alone, was trying to cushion the impact of the disaster. And the country held out!
>
> (Belarusian State Committee on the Problems of the Consequences of the Chernobyl Catastrophe, 2005, p. 4)

More precisely, the references to the Chernobyl disaster in the official discourse put forth the official identity project characterized by pro-Russian and anti-Western orientations. Belarusian officials frame the catastrophe in light of a close relationship with Russia and highlight the necessity to maintain such a relationship. In a speech he delivered on the 10th anniversary of the disaster, Lukashenko mentioned the 'special gratitude' of the Belarusian people toward 'the brotherly Russian people' for their support. He insisted that 'one of the main purposes of the integration with Russia is to join both countries' efforts in order to liquidate the consequences of the Chernobyl tragedy'.[13] The Belarusian authorities portray the Chernobyl disaster as a common tragedy (not as a common fault or responsibility) for Ukrainians,

Russians and Belarusians, but they consider that the accident was most harmful for the Belarusians. Thus, they suppose that the duty of the brotherly Russian people is to help Belarus in distress.

As for the Western countries, Belarusian officials constantly depict them as an external force that is interested in using the Chernobyl disaster purely to destabilize the country and to prevent it from becoming a strong rival.[14] They also suspect the West of using the help to disaster victims as an excuse for meddling in the country's internal affairs, for supporting the opposition forces, or for imposing foreign values that might be unsuitable or even destructive for Belarusian people. Thus, the authorities' representations of the Chernobyl disaster determine the official course based on isolation from Western countries. By way of contrast, the opposition claims that this strategic choice compounds the consequences of a disaster that has already triggered the slow disappearance of the Belarusian people.

The 'others' and threats to the nation in opposition discourse: Russian colonialism or a return to Europe

The opponents of the Lukashenko regime depict the governmental policy of negation of the radioactive risks for the population as one of the main causes for the demographic crisis that threatens to provoke the physical disappearance of the Belarusian nation. Zianon Pazniak, the co-founder of the BPF, regularly denounces the 'Chernobyl genocide' carried out by the Lukashenko regime. On the 15th anniversary of the nuclear accident, Pazniak declared:

> The conditions have now been created that contribute to the radioactive extinction of the Belarusian population, to the loss of health of the Belarusian nation and to the increasing sickness of Belarusian children. Every time Belarusians try to do something to struggle against the consequences of Chernobyl, they meet an open or hidden resistance to the national salvation.[15]

Opposition representatives emphasize the disastrous demographic situation in Belarus and call to fight for the nation's survival, which requires the removal of the current political regime and the country's full independence. This independence is first of all considered to be a break with a 'colonial dependence' from Moscow.

When talking about the Chernobyl disaster, the opponents to the Lukashenko regime often mention Russia and its 'colonial ambitions'

as the main external obstacle to the cultural, economic and political fulfillment of the Belarusian national community. This stigmatization of Russia takes different discursive forms. Some radical nationalists see all the policies related to the management of Chernobyl disaster as the result of Russia's will to destroy Belarusians, using the puppet Lukashenko regime. As Pazniak declared in 2001, 'the Chernobyl genocide of the Belarusian people is Moscow's hidden policy and Lukashenko's open policy'.[16]

The demand for reparations for damages caused by the Chernobyl disaster that some of the nationalists address to Russia is another symbolic means to highlight the frontier between the Russian and the Belarusian people. This demand suggests that Russia, as the legal successor of the Soviet Union, should compensate for a disaster that was made possible by the Soviet authorities. Such a demand, which in reality has little chance to be met, aims above all at undermining the official discourse on 'brotherhood' and the 'common destiny' of two nations.

Finally, most of the opposition members consider the Belarusian dependency on Russia as the main impediment to the democratization of the country and its opening to the (Western) world, which they see as the necessary conditions for the successful management of the Chernobyl consequences.

Lukashenko's opponents depict the international isolation of Belarus as the major obstacle to delivering an effective assistance to the Chernobyl-affected populations. The leaders of the opposition illustrate the negative consequences of the country's isolation with precise examples of how the authorities impede the realization of international projects, such as the state's stranglehold on the distribution of the international humanitarian aid, the repression of Belarusian non-governmental organizations that cooperate with the Western organizations and seek to assist Chernobyl victims, and the restrictions imposed on foreign travel for children from the affected areas (which had been a very common form of assistance provided by Western families since the early 1990s).

Belarusian nationalists claim that in order to help their country to manage the nuclear accident's consequences, the Belarusian people should struggle to open the country to the world. At the symbolic level, this 'openness to the world' is above all understood as a return of the Belarusians to the European context, seen as a synonym for 'democratization'. The opponents to the Lukashenko regime thereby insist on the fact that there is no other way to rescue the Belarusian nation than to assure the country's return to freedom, democracy and European values.

Conclusion

This analysis of public discourses about the Chernobyl disaster illustrates the process whereby political actors try to give meaning to the worst nuclear accident in human history. The interpretations of the event itself, and of the authorities' responses to this catastrophe, have significantly changed since the end of the 1980s, depending on the Belarusian political and institutional context.

In the late 1980s, the Chernobyl catastrophe became part of the nationalist narrative of the past developed by the BPF. Its leaders associated their protests against the disinformation surrounding the consequences of the explosion with the claims related to national independence and to the revival of the Belarusian culture and language. In 1988–91, many Belarusians supported the BPF because it was perceived as the political force that put an end to the lies of Soviet authorities about the true impact of Chernobyl. Revelations about the magnitude of the nuclear accident have not helped the opposition nationalists to overthrow the governing elite. However, their interpretation of the disaster as a misdeed that the Communist authorities inflicted on the Belarusian nation prevailed in the public discourse during the first years of independence.

Since the mid-1990s, the dominant public interpretations of the disaster have shifted from a strong anti-Soviet resentment to a praise of the Soviet past. Under Lukashenko, Belarusian officials have depicted the Chernobyl disaster as a heroic battle against an external enemy, in largely the same way as in the official Soviet accounts of the accident in 1986–87. Moreover, they compared Chernobyl to the Great Patriotic War, the memory of which was of crucial importance for the Belarusian Soviet identity, before becoming the main pillar of the identity project that Belarusian authorities have promoted since the late 1990s. This neo-Soviet discourse on the disaster's consequences justifies the policies that promote the return to the contaminated territories and neglect the radioactive dangers for those who live and work there.

But the memory of the disaster is still a very important part of the identity strategies of both the state and its challengers in Belarus. Twenty-five years later, the Chernobyl catastrophe is still subject to reinterpretation regarding its social, political or cultural meaning, as well as its physical, biological and medical consequences. Thus, the decision of the Belarusian authorities, announced in 2008, to construct the first nuclear power station on Belarusian territory seems to have created a new ground for the struggle over Chernobyl memory.

Notes

1. The concept derives from Benedict Anderson's text in which he suggests the following definition of the nation: 'it is an imagined political community – and imagined as both inherently limited and sovereign. It is *imagined* because the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their communion' (Anderson, 1991, 6).
2. A. Lukashenko, 'Na torzhestvennom sobranii posviashchennom 60-letiiu Pobedy sovetskogo naroda nad nemetsko-fashistskimi zahvatchikami', *Belarus' Segodnia*, 10 May 2005, http://law.sb.by/128/, accessed 5 June 2012.
3. See, for example: I. Kolchenko and D. Kriat, 'Polesskaia khronika. Novaia glava', *Belarus' Segodnia*, 27 April 2006, http://www.sb.by/post/51189/, accessed 5 June 2012.
4. According to the 'State Program on Liquidation of the Consequences of the Chernobyl Accident in Belarus' that the Supreme Soviet of the BSSR adopted in the end of 1989, about 120,000 people were to be relocated during the period 1990–95 in addition to those who were evacuated in the first weeks and months after the disaster. A total of 135,000 people were finally moved to the regions of Belarus considered as not contaminated (UNDP and UNICEF, 2002, 23).
5. A. Lukashenko, 'Obrashchenie Prezidenta Respubliki Belarus' A.G.Lukashenko k belorusskomu narodu v sviazi s 10-letiem avarii na Chernobyl'skoï AES', *Sovetskaia Belorussiia*, 26 April 1996, 2.
6. Z. Pazniak (2002) *Novae stagoddze* (Vilnius: Tavarystva Belaruskaï Kultury ŭ Letuve), 45–50.
7. Z. Pazniak and I. Shmygaliou, 'Kurapaty – daroga s'merci', *Litaratura i mastatstva*, 3 June 1988, 14.
8. A. Milinkevich, 'Ostanovim politicheskiï Chernobyl', *Khartyia'97*, 21 April 2006, http://charter97.org/rus/news/2006/04/21/stop, accessed 23 September 2011.
9. A. Milinkevich, 'Ostanovim politicheskiï Chernobyl', *Khartyia'97*, 21 April 2006, http://charter97.org/rus/news/2006/04/21/stop, accessed 23 September 2011.
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12. A. Lukashenko, 'Fragmenty iz vystupleniia Prezidenta Respubliki Belarus pri predostavlenii ezhegodnogo Poslaniia Parlamentu Respubliki Belarus', The Official Internet Portal of the President of the Republic of Belarus, 2002, http://www.president.gov.by/press18792.html#doc, accessed 23 September 2011.
13. A. Lukashenko, 'Obrashchenie Prezidenta Respubliki Belarus' A.G.Lukashenko k belorusskomu narodu v sviazi s 10-letiem avarii na Chernobyl'skoï AES', *Sovetskaia Belorussiia*, 26 April 1996, 2.

14. The Official Internet Portal of the President of the Republic of Belarus, 'Silnymi nas ne sdelaet nikto, krome nas samikh', 26 April 2005, http://www.president.gov.by/press16577.html, accessed 5 June 2012.
15. Z. Pazniak, 'Slova u 15-iu gadavinu Charnobyl'skaï tragedyi', *Belaruskiia Vedamastsi*, 1 April 2001, 1.
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8

Dealing with the Past in Central and Southern European Democracies: Comparing Spain and Poland

Filipa Raimundo

This chapter intends to contribute to a better understanding of the reasons why the issues of the authoritarian past remain present and divisive in some consolidated democracies. The starting point is the growing consensus around the idea that, with time, the 'politics of the past' becomes instrumentalized as part of the 'politics of the present' (Welsh, 1996; Elster, 2004; Williams, Fowler and Szczerbiak, 2005; Wüstenberg and Art, 2008). The goal of the chapter is to examine, by focusing on two European democracies – Poland and Spain, to what extent political elites perceive the issues of the past as being able to provide political gains.

How to deal with the authoritarian past was once regarded as an issue of regime change, and that was how the concept of transitional justice came about. Until the turn of this century, scholars believed that after a successful transition to democracy societies would have to cope with their transitional justice choices, which would have resulted from the 'transitional' balance of power and the opportunity structure created by the 'mode of exit'. Over the years, it became clear that a successful regime change does not necessarily mean a society is ready to 'close the book' on the past (Elster, 2004), and recent events in Europe and Latin America have shown that the *status quo* on the state's approach to the past can always be changed. Since then, a number of scholars have begun to explore the reasons why the issue did not go away after the early years of democracy (Elster, 2004; Collins, 2010). One question to which we still do not have an answer is: what leads political elites to

bring back the issues of the past to the political agenda following the successful consolidation of democracy?

In 2007, almost 20 years after the opening of the Round Table negotiations in Poland, a conservative and populist coalition government passed a large amendment to the 1997 Lustration Law. The law, part of a set of radical measures intended to purge former collaborators of the Communist regime from society, received some opposition including from within sectors of the former Solidarity trade union. That same year in Spain, more than 30 years after the death of Franco, a center-left minority government succeeded in passing the so-called 'Law of Historical Memory', after three years of intensive public debate and difficult negotiations between the various parliamentary groups. The law rehabilitated victims of the Spanish Civil War, the Francoist dictatorship and the transition to democracy, and was approved together with a set of progressive measures that displeased the right and the Catholic Church. This chapter argues that the approval of those two pieces of legislation resulted from the elites' perception of potential political gains and their willingness to re-open old debates.

This chapter analyzes those two recent events in Poland and Spain focusing on the potential relationship between the re-emergence of the past, electoral campaigns, their outcome and the potential political gains associated with it. First, it begins by proposing the concept of 'post-transitional justice' to describe the phenomenon of the re-introduction of the past onto the political agenda in consolidated democracies. Second, it looks at the 2005 electoral campaign in Poland and the 2004 electoral campaign in Spain, focusing on the importance of the issue during those campaigns and on the role played by the most significant parties during the approval of the above-mentioned legislation. The chapter concludes with a discussion of the relevance of electoral campaigns for the emergence of post-transitional justice processes and the overall meaning of these processes.

Post-transitional justice

Dictatorial regimes create and propagate certain narratives of the past that legitimate their birth, existence and procedures. At the moment of democratic breakthrough, the state's approach to the past is still the one inherited from the previous regime. The new elite may or may not immediately engage in deconstructing that narrative and making a stand with respect to the previous non-democratic regime. One way in which this can be done is through the adoption of a wide spectrum

of transitional justice measures: the prosecution of individuals found guilty of human rights violations, non-criminal proceedings such as vetting measures, the rehabilitation and compensation of victims, truth-telling and investigation commissions, condemnation of the old system, apologies for past human rights violations, state museological and other symbolic measures.

After those initial decisions are made, the past tends to be off of the political agenda more often than it is at its core, particularly once democracy has been consolidated. Democratic consolidation implies power relations are more predictable than during the uncertain period of regime change, that there is no serious threat to the new regime, that democratic institutions are functioning and are likely to become increasingly stable, and that there is less opportunity to choose vengeance and retroactive means of coming to terms with the past. Consequently, following democratic consolidation the politics of the past face the same constraints as any other policy area and need to be analyzed accordingly.

Bearing in mind those basic features of democratic consolidation, post-transitional justice can be defined as the re-introduction of the politics of the past onto the political agenda and/or the judicial sphere with the intention of changing the dominant narrative of the past, revisiting the memory of the transition and addressing the insufficiencies of transitional justice, all in compliance with the rule of law. According to this definition, what is at stake in this new stage of dealing with the past is not only the legacies of the previous regime, but also the legacies of the transition. But how does the perception of potential gains link to the presence of divisive issues? Willingness is expected to play a mediator role, as it will be explained below.

Exploring willingness to deal with the past

How and why actors succeed in keeping the politics of the past on the agenda have been central questions during the last decade. Some authors argue that, as in many other policy areas, parties need to be able to form stable and centrist coalitions in order to change the *status quo* (Williams et al., 2005). Others suggest that in this particular subject, what is determining is the need for parties to be free from 'skeletons in the closet', so as not to be afraid to adopt potentially harmful measures (Nalepa, 2010). Others still argue that with time the past becomes an instrument of political competition because it legitimizes certain narratives of the past to the detriment of others (Welsh, 1996; Wüstenberg and Art, 2008). The overall idea binding these theories is

this: if actors deliberately support a public debate and put forward legislative initiatives that divide the political elite on the politics of the past, it is because they are trying to instrumentalize it for political gain, and therefore were willing to risk raising the issue in a given moment in time.

When analyzing post-transitional justice, it is important to bear in mind that the re-emergence of debates about the past will not be in the best interest of every political group, as it may be costly or even have a boomerang effect for those who benefit from the *status quo*. Conversely, these debates will probably be of interest to those who feel the *status quo* could harm them or that they could gain from challenging it. As such, willingness should be measured by the inclusion of the issue in electoral manifestos, support for new parliamentary or governmental initiatives or amendments to existing legislation.

The next section will explore the importance of the past during the 2005 and the 2004 electoral campaigns in Poland and in Spain, respectively.

Poland

The party that won the Polish parliamentary elections in 2005, Law and Justice (PiS – Prawo i Sprawiedliwość), was committed to restoring the past to the political agenda. The founders of the party, which was established in 2001, included a large section of the elite who had felt marginalized during the Round Table negotiations of 1989 and who believed they were the only legitimate democrats in contemporary Poland. Although PiS has attracted a new generation of politicians, some of the 'old' party members were, as part of Solidarity, active participants in the opposition to the Communist regime. One of their major political battles was against those who had collaborated with the Communist-era secret services. According to PiS, the absence of links with the old regime was a fundamental difference between its party members and other members of the Polish opposition, including former Solidarity members. Because of the negotiated character of the transition and the decision not to exclude the former elite from contemporary politics, PiS grew critical of the transition and of the mild program of transitional justice adopted at the beginning of the 1990s. The core of the party's leadership had been struggling for a harsher transitional justice process and expressing its anti-Communist stance from the moment it formed the party's predecessors, the Center Agreement (PC – Porozumienie

Table 8.1 Parties' attitudes toward lustration in Poland (from 1 to 18)

1989/90	Ranking	2001–05	Ranking	Current ideology
ZChN Christian National Union	2	LPR League of Polish Families	1	Clerical nationalism
PC Center Agreement (AWS, 1997–2001)	4	PiS Law and Justice	3	National-social conservative
KLD Liberal Democratic Congress (UW, 1997–2001)	8	PO Civic Platform	7	Liberal conservative
SRP Self-Defense	11	SRP Self-Defense	11	Agrarian
SLD Democratic Left Alliance	18	SLD Democratic Left Alliance	18	Democratic socialism

Source: Based on Nalepa (2010: 149). Nalepa's ranking was transformed into a scale from 1 (pro-lustration) to 18 (anti-lustration). PC was not included in Nalepa's figure, therefore it was ranked according to the information available.

Centrum, 1990–97) and the party Solidarity Electoral Action (AWS – Akcja Wyborcza Solidarność, 1997–2001).

The level of instability among Polish political parties makes it difficult to understand the relationship between the politics of the past and electoral competition. Before proceeding with the analysis, Table 8.1 summarizes the trajectory of the Polish political elite and their attitude toward lustration, explaining the relationship between the parties formed in 1989–90 and the most important parties that took part in the post-transitional justice debate during 2005–07. The rankings indicate the party's stance on lustration, based on Nalepa (2010). Overall, the data suggests pro-lustration elites have progressively strengthened their position over time.

The Polish case is representative of how the issues of the past are vulnerable to legislative turnover. Until 1992, the politics of the past in Poland was dominated by the 'thick line' speech and by the inefficacy of the punitive measures that were passed. These measures were adopted during a period in which the Sejm was still controlled by post-Communist forces and therefore had little repercussion. When the PC gained access to government at the end of 1991, a stronger break with the past was attempted, yet it soon failed, largely because of the radical

character of the measures and lack of support. By 1994, some analysts began to talk of the end of the opportunity to come to terms with the past. This was mainly because in the four years following the opening of the negotiations, the post-Communists Democratic Left Alliance (SLD – Sojusz Lewicy Demokratycznej) and the Polish People's Party (PSL – Polskie Stronnictwo Ludowe) had not only become legitimate political players, but had also been able to form a coalition government. The post-Communists attempted to reject their past by condemning certain violent episodes in it, but they also tried to prevent the adoption of harsher punitive and accountability measures.

Despite the post-Communists' pre-emptive move in proposing the self-harmful bill that was at the origin of the 1997 Lustration Law, the anti-Communist sector did not give up until it was able to pass measures they deemed necessary (Nalepa, 2010). It was during the government led by AWS in coalition with the Freedom Union (UW – Unia Wolności) that transitional justice was successfully implemented. The coalition government passed various measures that sought to produce a stronger break with the past. Due to the need to form a centrist coalition, the lustration law as it was approved was considered mild because rather than criminalizing past activities, it only required elected state officials – including parliamentary candidates – to submit written declarations stating whether or not they had consciously worked for or collaborated with the Communist security services. Moreover, collaboration was defined as being conscious and secret, and required proof.

Despite its mild character, those measures, which were in force until 1997–98, could have resulted in the politics of the past disappearing from the agenda for some years, because it partially satisfied the anti-Communist forces in parliament; however, this did not happen, and the issue returned to the agenda. What separated the adoption of those measures from the heated debate that took place between 2005 and 2007 was only a four-year government led once again by the post-Communists, as shown in Figure 8.1.

Figure 8.1 illustrates the punitive measures adopted by the government since the transition. Two important observations can be made: first, the coalition AWS–UW (currently under the labels PiS and Civic Platform [PO – Platforma Obywatelska], respectively) was the government that passed the greatest number of punitive measures; second, before and after the 1997–2001 government, the post-Communists were in government and, rather than simply removing the politics of the past from the agenda, actually passed new legislation, occasionally with the goal of securing themselves from harsher anti-Communist measures.

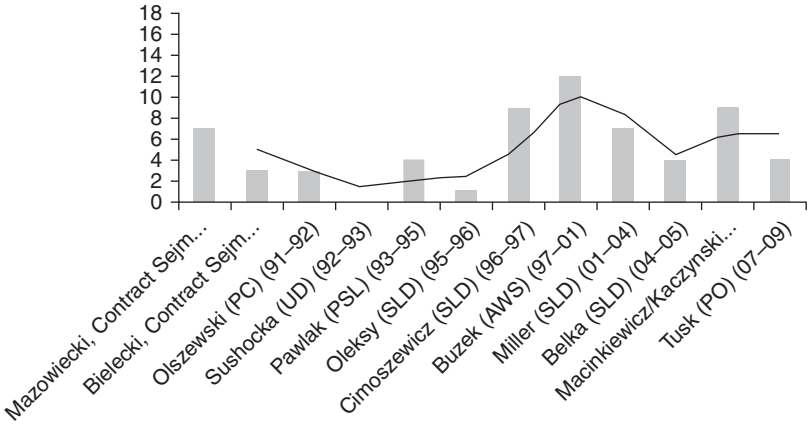

Figure 8.1 Punitive measures (criminal prosecution/non-criminal proceedings/condemnation of the previous regime) approved in Poland, by government. *Source*: Author's own data. The numbers represent laws and resolutions approved both with the intention of expanding and reducing the scope of measures.

However, these pre-emptive moves were not sufficient to prevent the re-emergence of the past during the 2005 electoral campaign and, in the context of an increasingly stable party system and consolidated democracy, transitional justice gave way to post-transitional justice.

The 2006 Amended Lustration Law

In Poland, the emergence of post-transitional justice resulted from the peculiar parliamentary configurations of 2005–07, in particular following the formation of the 2006 coalition between the national-social conservatives (PiS), led by Kaczyński, and two populist parties, the League of Polish Families (LPR – Liga Polskich Rodzin) and Self-Defense of the Republic of Poland (SRP – Samoobrona Rzeczpospolitej Polskiej). The most important motivation for the PiS, LPR and, to a lesser extent, the SRP adopting a new and extended version of the 1997 Lustration Law was the idea that the revolution of 1989 had been hijacked, that democracy should belong to those who fought against Communism and that all those who collaborated with the previous regime should be removed from their posts and punished for their deeds – not only from public office, but also from certain professional categories in the private sector.

In 2005, parliamentary and presidential elections took place in Poland within a few weeks of each other. Soon, the post-Communist

presidential candidate quit mired in corruption allegations, transforming it into a competition between the national-social conservative PiS and the liberal PO. Until that moment, both parties had led political analysts to believe they were the most likely coalition partners. The fact both parties were part of the post-Solidarity elite and that they had cooperated in the opposition against the post-Communists between 2001 and 2005 contributed to that view. However, the prospect of the presidential campaign forced them to follow different paths.

PiS and the clerical-nationalist LPR presented a populist discourse through which the two parties put forward very similar political programs emphasizing the need to fight corruption, reaffirm Catholic values, heal society with a new social contract and purge the remnants of Communism from society. They both advocated the need for a Fourth Republic. It was their view that the Third Republic was characterized by fundamental structural deficiencies and that it was time to re-boot democracy. The liberal-conservative PO also campaigned against corruption and a new lustration process, but without calling for the 'moral revolution' advocated by PiS and LPR – it assumed a moderate Catholic position, it was more pro-European than its conservative counterpart and it avoided the populism of the other strong candidates. SRP advocated conservative social values, but put less emphasis on the need to purge society. As Table 8.2 indicates, all the main parties competing

Table 8.2 The politics of the past in the 2005 party manifestos in Poland

Party	Issue
LPR	Open and publish all files of the Communist security service Extend lustration to journalists
PiS	Truth and Justice Commission Open all files of all public officials Reveal all functionaries and collaborators Property lustration of politicians and families
PO	Open all files and make them available to everyone Extend scope of lustration
SRP	Property lustration of all public functionaries
PSL	–
SdPL	No need to extend scope; less lustration
SLD	No change needed Limited file access to those harmed, historians and journalists

Source: Millard (2006, p. 1018).

in the 2005 elections, with the exception of PSL, included some reference to the ideal scope of lustration and archival regulation in their manifestos.

Particularly interesting is the fact that the parties that clearly opposed more punitive measures, instead of ignoring the issue, chose to express their opposition in their manifestos. The exception was PSL – a post-Communist party formed by individuals who, in the majority of cases, did not form part of the *nomenklatura* and who were therefore not affected by lustration. Their attitude was consistent with their decision to support the 1997 Lustration Law. A second noteworthy aspect is that during the 2005 campaign, the most important issue was not so much associated with the Communist regime, but with the transition itself. The most pro-lustration parties were also those advocating the re-boot of democracy and the Fourth Republic.

After the September elections, PiS formed a minority government, while PO became the main opposition. In May 2006, PiS decided to form a governing coalition with LPR and SRP in order to be able to carry through its initiatives. The three parties sought legitimacy for their project by arguing that none of them had previous governmental experience, and therefore could not be accountable for the country's situation, which was true in theory and in terms of the parties as institutions, but was certainly untrue in the case of the elite forming the core of PiS. After forming the coalition with the populists, the government was ready to carry through its political program.

While in Spain the negotiations to approve the Law of Historical Memory were, as we shall see below, difficult and protracted, in Poland the coalition partners and the major opposition party did not take long to reach an agreement. All the parties (PiS, LPR, SRP and PO) presented proposals that were rather easily merged into a single project. PiS wanted to completely discharge the 1997 law, while PO wanted to keep parts of the old law. LPR suggested a new crime in criminal code – that of slander against the Polish nation or a Polish citizen for Communist or Nazi crimes. During the debate, all representatives of the four parties stressed the need to change the old law and to bring an end to so-called 'wild lustration'. Above all, they agreed that the secret police files needed to be open and that the professional categories of individuals who had to submit lustration declarations needed to be expanded. Despite not having included it in its manifesto, PSL supported the law, which was agreed by all the parties. SLD opposed it until the end and was the party behind the appeal to the Constitutional Court that eventually struck down a large part of the law.

The debate around this new stage of dealing with the past in Poland was particularly forward-looking. It was framed by the idea that it was absolutely necessary to change the politics of the past in order to change the politics of the present. In fact, the Amended Lustration Law should be interpreted in the framework of a set of populist measures: parallel to that law, the PiS coalition government adopted other measures with similar goals, as part of the memory and responsibility program. One of these measures was the dismantling and purging of the military intelligence and counter-intelligence (WSI), which had not been changed since the opening of negotiations between the regime and the opposition in 1989. This was accompanied by the denunciation of several people who had collaborated with these services, both before and after the transition. Another measure adopted in the framework of the memory and responsibility program was the creation of the Anti-Corruption Bureau (CBA), which resulted in the number of anti-corruption investigations rising by 100 per cent. All these measures were intended to fight corruption, which was allegedly one of the most urgent problems facing the country. Ironically, the government collapsed over a corruption affair and, according to a political analyst, 'PiS killed lustration in Poland', mainly by trying to take it too far and for having so many voices denounce its unconstitutionality and its lack of respect for basic human rights and the procedures of the rule of law.[1]

Spain

In Spain, the process of post-transitional justice began following the 14 March 2004 parliamentary elections that brought the Spanish Socialist Workers' Party (PSOE – Partido Socialista Obrero Español) back to power. PSOE – the major center-left party and one of the two main parties in the Spanish party system – was not a critic of the transition, but it took issue with the official narrative of the past. The dominant narrative did not fully acknowledge the struggle against Francoism and the large number of victims of almost 40 years of dictatorship, nor did it honor the historical origins of PSOE rooted in the Second Republic (1931–36). This claim for the state's acknowledgment of the victims of Franco and the legitimacy of the regime that preceded the civil war (1936–39) was shared by the moderate nationalist and left-wing parties of the autonomous regions that had representation in the national parliament.

It is important to bear in mind that, unlike in Poland, the Spanish party system is characterized by bipolarization and the alternation in

power between PSOE and the right-wing Popular Party (PP – Partido Popular). Moreover, apart from the national party system, there are a number of regional party systems that are crucial for an understanding of Spanish politics: in particular because some of its parties provide parliamentary support to minority governments at the national level, in particular the Convergence and Union (CiU – Convergència i Unió, a moderate Catalan nationalist and conservative party) and the Basque Nationalist Party (PNV – Partido Nacionalista Vasco, a mix of nationalists and supporters of a plurinational Basque state). After the 2004 elections, two other parties gained ground, the United Left (IU – Izquierda Unida, a Communist-led coalition with the Catalan Greens [ICV – Iniciativa per Catalunya Verds]) and Republican Left of Catalonia (ERC – Esquerra Republicana de Catalunya). Of the parties involved in the 2004–07 debate, four had emerged prior to the civil war and all are significantly institutionalized: ERC, the Spanish Communist Party (PCE – Partido Comunista de España, which is currently in coalition with the Greens, forming the IU), PNV and PSOE. This fact is important for an understanding of their willingness to re-open an old debate.

The Spanish case illustrates the potential path-dependent effect of the measures adopted during the transition. The Spanish transition began after the death of Francisco Franco in November 1975. Its negotiated character did not create a window of opportunity for addressing past misdeeds and punishing those accountable for human rights violations. The 1977 Amnesty Law, passed in October of that year, was the most symbolic measure of the politics of the past that was passed during the transition. It was regarded as a path toward reconciliation and a necessary step for ensuring the success of democracy. Initially conceived as a means of securing the release of political prisoners, the amnesty ended up being more favorable to the right than it was to the left, because it prevented any accountability or condemnation of the previous regime.

More surprising than the amnesty law was the absence of measures during the following years. The three consecutive center-left governments were unwilling to reverse this tendency. As the former Prime Minister Felipe González admitted, the party could have helped rewrite the narrative of the past during the 14 years in which it was in power, but it chose to perpetuate the consensus to keep the issues of the past away from the political debate well beyond the first years of democracy. PSOE initiated an ideological change in 1979 to move in the direction of becoming a catch-all party, and for that reason, the pact of oblivion was useful. The number of measures approved decreased during its time in power (1982–86) as well as during the eight years of right-wing

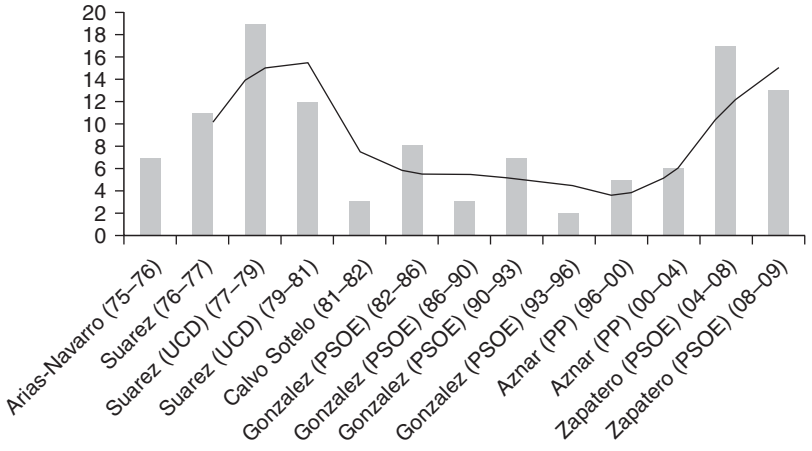

Figure 8.2 Reparation measures approved in Spain, by government.
Source: Author's own data.

government (1996–2004). Of the measures approved, compensation for victims was consistently the major concern. The first laws were directed at victims and families of those executed during the civil war. During the years that followed measures for offering compensation to the victims of the dictatorship were introduced, although it was not until the approval of the 1990 state budget that compensation was extended to victims of imprisonment. As of 2005, a total of 4,734 individuals had received financial compensation for the repression they suffered during the regime (Figure 8.2).

In 2004, and unlike in Poland, post-transitional justice in Spain meant the approval of new measures focused on reparation and acknowledgment of victims. Spanish parties never claimed for any form of retribution against the former Francoist elite.

Felipe González admits to believing the Law of Historical Memory was a personal project of Zapatero,[2] an idea shared by other analysts and politicians. Those who believe the major explanatory factor is the 'generational replacement' also tend to emphasize the leadership of PSOE in 2004 (Aguilar Fernandez, 2008). This is certainly important; however, even if within PSOE the emergence of Zapatero as party leader in 2000 was regarded as the 'renewal of renewal', it remains a fact that Zapatero was not a newcomer to party politics: he had been a deputy since 1986 and had many years of experience in parliamentary and intra-party life. Even if the new prime minister had personal motivations for revisiting

the politics of the past, his parliamentary allies were equally – or even more – motivated to return the past to the political agenda.

The 2007 Law of Historical Memory

The 2004 elections took place only three days after the Madrid bombings, which contributed to the clear defeat of the sitting government. The electoral campaign expressed what had already been made clear during the previous four years: PP and PSOE had very different political programs, the former clearly more conservative, the latter more progressive in terms of social values. Although the manifestos included some issues related to the politics of the past, these did not emerge during the debates and there was no evidence during the campaign that the past would become one of the most central and controversial issues of José Luis Rodriguez Zapatero's first term in office. Unlike in Poland, in Spain the electoral campaign tells us little about how willing the main parties were to engage in such a process (see Table 8.3). It does show that PSOE did not perceive it as an issue that could help the party win votes.

Table 8.3 The politics of the past in the 2004 party manifestos in Spain

Party	Issue
CiU	The return of the Archives of Catalonia A new transition Exemption of income tax to the victims of the dictatorship and those included in the Amnesty Law Pension improvement and health assistance to the 'sons of the war' living in the former USSR Indemnity to Spanish citizens deported by the Nazi regime Facilitate the return of those exiled outside the state Indemnity to the victims of the struggle for freedom and the transition Moral and economic compensation to those citizens who saw their assets confiscated during the civil war
PSOE	Creation of a state documentation and research center Improve public management of the cultural heritage Expansion of the non-contributory pension to the 'sons of the war'
IU	Digitization and return of the Archives of Catalonia Culture based on historical memory and knowledge
ERC	The return of the Archives of Catalonia
PNV	A new transition
PP	–

Source: 2004 electoral programs of CiU, PSOE, IU, ERC, PNV and PP.

An overview of the 209 pages of the PSOE's 2004 electoral program reveals that the party's only concrete reference to new legislation on the past was to the creation of a state Center for Research and Documentation on the Civil War and Francoism and to the expansion of the pension attributed to the 'grandsons of the war'. Nothing was said about the reparation of a greater number of victims, removal of symbols, attribution of nationality, and acknowledgment of the exiles and the organizations that fought for democracy. If PSOE had considered it electorally useful, it should have included it in the electoral program. Moreover, party manifestos of the remaining parties do include a number of proposals on the politics of the past, but these were not explored during the campaign, and in many cases they are only concerned with the archives. If anything, this indicates that the past was not on the agenda before the first initiatives received an echo from the government and PSOE revealed its intention to create an inter-ministerial commission to study the situation of the victims of the dictatorship – which took place in July 2004, four months after the elections.

During the negotiations to approve the Law of Historical Memory, PSOE's minority government searched for parliamentary support among left-wing parties, for whom this was an opportunity to demand that the politics of the past be put firmly on the agenda. But even the potential allies did not explore the issue during the campaign. The spokesmen for IU and ICV reject the argument that the Law of Historical Memory was merely a personal project of Zapatero or a project conceived by the Socialist Party.[3] Both party leaders claim that this was a requisite presented by their parliamentary group in exchange for legislative enactment, and that it can be traced back to the investiture debate in April 2004. But theirs was not the only plea for new decision-making regarding the past – the ERC presented a similar agenda. The left's main argument since that debate was that after the transition there had been a 'pact of silence', that the victims of the dictatorship had been forgotten and that the quality of democracy was undermined by the lack of an adequate response to the atrocities committed during the Franco regime, despite permanent calls for reparation and state support for their acknowledgment and memorialization. This actually explains why the bill presented in parliament in July 2006 was in many ways different from the law approved in October 2007 (see Table 8.4).

Left-wing and moderate nationalist parties (ERC, IU-ICV, CiU, PNV) struggled for more than a year to introduce elements that would legitimate the political groups and historical heritage they represented, which included the victims of specific regions, religious beliefs, an explicit

Table 8.4 Comparison between the bill (2006) and the law (2007), and the parties responsible for each change in Spain

2006 Bill	2007 Law of Historical Memory	Party
The preamble did not allude to any previous resolutions	The 20 November 2002, 'The condemnation of Francoism', and the report of the Parliamentary Assembly of the CE of 17 March 2006, which 'denounces the serious violations of human rights committed in Spain between 1939 and 1975'	Various
The preamble did not allude to any particular group	'. . . all those who fought in the defense of democratic values' such as the *Cuerpo de Carabineros*, the International Brigades, the guerilla movements, and the members of the *Unión Militar Democrática*	IU-ICV
'. . . those who suffered persecution or violence for political or ideological reasons'	'. . . those who suffered persecution or violence for political or ideological reasons or due to their religious beliefs . . . '	CiU
'. . . avoiding the exaltation of the conflict between Spaniards' [Preamble]	'. . . avoiding the exaltation of the military uprising, the civil war and the repression under the dictatorship'	IU-ICV
Personal declaration to repair and rehabilitate victims unjustly tried sentenced [Article 2]	'The courts, juries and any other penal or administrative bodies that were constituted to impose personal sentences or sanctions for political or ideological reasons or due to religious beliefs, together with their decisions, are declared illegitimate' [Article 3, #1]	Various, in particular IU/ICV
Did not exist before	'The state is obliged to draw up work plans and to award grants to ensure that the civil war graves are located and opened' [Article 11]	IU/ICV
The removal of symbols 'when they glorify only one of the factions fighting in the Civil War' [Article 17]	The removal of symbols 'glorifying, personally or collectively the military uprising, the civil war, and the repression under the dictatorship' [Article 15, #1]	IU-ICV, PNV

The provisions of the previous paragraph will not be applicable when . . . 'artistic, architectural or general interest aspects protected by law are also present' [Article 17]	The provisions of the previous paragraph will not be applicable when . . . 'artistic, architectural or artistic-religious aspects protected by law are also present' [Article 15, #2]	CiU
'unjust character of sentences produced . . . whatever the band or zone in which those who suffered were located' [Article 2, #1]	'. . . the radically unjust character of all sentences'	IU/ICV
No reference to reconciliation	. . . It must work for the strengthening of the ideas of reconciliation and coexistence of the Spanish society. All this should be accomplish on the basis of Article 16 [Sixth additional disposition]	CiU
'. . . the right of access to the documentary resources placed in the public archives is granted to all those with an interest in them or to their heirs' [Article 25, #1]	'. . . the right of access to the documentary resources deposited in public archives and to obtain the copies that may be requested is guaranteed' [Article 22, #1]	PNV
'the right of access to the documentary resources . . . in particular when those documents identify the authors or the persons involved in the activities related to the individual' [Article 25 #3]	Disappeared from the final version	PNV

condemnation of the 1936 military uprising, republican values, the end of the equidistant narrative perpetuated throughout the years and the acknowledgment of the victims of the transition.

The Law of Historical Memory represented more than just a source of conflict over the roots of each party's democratic legitimacy. During Zapatero's first term in office (2004–08), the government's political program was characterized by a set of progressive measures that entered

the domains of morality, religion and rights. The Law of Historical Memory should, in this sense, be interpreted in line with the approval of the laws on gender violence, same-sex marriage and adoption rights, divorce, an education law that replaces religion with civics classes, an increase in the number of scholarships for science and education, a deal between employers and trade unions, an increase in the minimum wage and a plan for Africa on immigration policies. All of these measures were rejected by the PP, which was, in turn, backed strongly by the Catholic Church in advocating a much more conservative agenda.

PSOE was probably trying to satisfy part of the left-wing electorate that it had just won back. The left-wing tone became Zapatero's trademark during his first four years in government, until the 2008 world financial crisis, which coincided with his re-election.

Conclusion

The aim of this chapter has been to explore the return of the past onto the political agenda – what I have called post-transitional justice – in Poland and in Spain. The 2005 election in Poland and the 2004 election in Spain were analyzed to ascertain whether post-transitional justice can be linked with the perception of political gains. The analysis of these two cases does not allow for grand generalizations, but it provides some ideas on the relationship between post-transitional justice and elections.

To begin with the transition mode was used as a control. Both countries went through a negotiated transition to democracy and therefore did not experience a strong break with the past. This is important because, in principle, it should make the political elite more willing to re-open old debates. Moreover, the presence of the former elite had important repercussions for transitional justice: in Poland it delayed the adoption of punitive measures until the anti-Communist forces found the institutional capacity to approve lustration measures, while in Spain it contributed to the absence of any claims for punishment or accountability. This is important because it should make the issues of the past more relevant for political competition.

The analysis of the election campaigns that preceded the emergence of post-transitional justice in the two countries has produced different results. In Poland, as in many other Central and Eastern European countries, the past has constantly been on the agenda. For that reason, it is not surprising to note that the election campaign that preceded the Amended Lustration Law was marked by various proposals on how best to purge former Communists and secret service collaborators from

society. Conversely, in Spain, the government that approved the Law of Historical Memory did not address the issue during the election campaign. The return of PSOE to government in 2004 represented the unexpected end of the political consensus of the transition to leave the dominant narrative of the past off the political agenda (Blakeley, 2008). The importance of the debate resides in what it meant for Spanish politics: for the first time right and left (with all their variants) put forward their versions of the past and debated the role of political families at the national level – past and present. In the end, left-wing parties did not see all their demands met, and PSOE did not impose all the aspects of the past that could legitimate their roots.

This comparison allows us to say that raising the issue during the election campaign is not a necessary condition for post-transitional justice to emerge. One other noteworthy difference between these two cases is the content of the proposals. While the Polish elite debated proposals of a punitive nature, the Spanish elite focused on the rehabilitation of victims and on proposals concerned with the acknowledgment of a new narrative of the past. This shows that what characterizes post-transitional justice is not so much the nature of the proposals, but essentially the available motives and instruments.

The common aspect of these two processes is the actors' need to strengthen democratic legitimacy. It became clear from the concrete proposals discussed throughout this chapter that this happens not only because parties do not feel legitimized in the official narrative of the past, but often because the founding moment of democracy – the transition and the strategic choices made by the dominant elite at the time – legitimized certain political groups more than others. This was particularly apparent during the Polish election campaign, and also in the left-wing proposals during the negotiations for the approval of the Law of Historical Memory in Spain.

Notes

1. Wiktor Osiatyński, interview with the author, 31 October 2009.
2. Felipe Gonzalez, interview with the author, Florence, 1 October 2010.
3. Interviews with the author, Madrid, 26 February and 6 March 2009.

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9

Institutions of National Memory in Post-Communist Europe: From Transitional Justice to Political Uses of Biographies (1989–2010)

Georges Mink

> I don't know why I haven't written about lustration . . . . People who write on the subject know nothing about it; they rip sporadic cases out of their contexts – it's ridiculous. Consider my own example. One day two archivists working at the Interior Ministry archives came to see me. They brought recordings of interrogations of me dating from 1965, as if they were a rare article. I must say that when I read them they made my hair stand on end. And yet I was convinced that what I said at the time was the only intelligent answer . . . . My own case confirms how dangerous it may be to take things that were said at the time out of context . . . . I hope you will not take what I've just said as a way of excusing collaborators or denouncers.
>
> Václav Havel[1]

A constant theme in post-Communist European countries that have abolished Soviet-style totalitarian or post-totalitarian regimes is that they have been more concerned with punishment than with achieving reconciliation through pardon.

In nearly all the countries that emerged from the constellation of Soviet-type regimes, institutional arrangements appeared for managing political police archives, discovering and disseminating information on the ill deeds of the regime, and meting out transitional justice. With the exception of the 'Gauck' Office in Germany, named after its first director, the pastor and renowned dissident Joachim Gauck and founded

almost immediately after German reunification, those arrangements were institutionalized a considerable number of years after the fall of the regimes in question. They were produced by shifts in power following electoral victories by elites committed to de-communization. The term that has been adopted for these institutions – though with several variants – is 'National Memory Institute' (NMI). Poland has its Institute of National Memory (IPN) and Slovakia its Institute of the Nation's Memory (UPN), for example. In the Czech Republic, pressure from public opinion groups opposed to the idea of 'institutionalizing the nation's memory', namely elected officials of the country's Green Party, brought about a name change from National Memory Institute to Institute for the Study of Totalitarian Regimes (Dvořáková, 2007).

NMI members gradually developed their own network and in some cases even a supranational community – what could be called a community of exchange and empathy – as is clearly attested by their respective websites. They often meet together in co-organized conferences. For instance, on 23 August 2011, in the second month of Poland's EU presidency and exactly 72 years after the signing of the Molotov–Ribbentrop Pact, the 'European Day of Remembrance for Victims of Stalinism and Nazism' was held in Warsaw.[2] All the heads of these closely linked Central and Eastern European memory institutes took part in the ceremony and the conference that followed it at the Warsaw Uprising Museum. European Commissioner Viviane Reding delivered a message purporting to bridge memory gaps among European countries: 'The European Union is a source of inspiration and encouragement to all countries trying to cope with the suffering they were made to endure in the past.' The European Union's moral vow of 'Never again!' now encompasses not only victims of Nazi Germany but also victims of Communism. But while the torturers and executioners of both regimes are now officially subject to the same reprobation, the regimes themselves are not, as divergent interpretations of their respective natures persist among EU member states. However that may be, EU norms have now legitimized recognition of victims of Communism. This is not the case for the policy known as lustration, that is, checking into the pasts of persons suspected of committing the former regimes' crimes.

But does the above-cited international European recognition of the victims of Communism mean that the institutional arrangement chosen by post-Communist countries has become the model, as seems to be suggested by the extremely frequent references to the 'Gauck' Office, Poland's IPN and Slovakia's UPN? Is it reasonable to claim that there is now an autonomous general 'grammar' for managing the Communist past?

The hypothesis of a kinship between Truth and Reconciliation Commissions and National Memory Institutes

In appearance, NMIs belong to the same family as Truth and Reconciliation (or Truth and Justice) Commissions (TRCs or TJCs). They are legitimated on the grounds that they are on a quest for truth, with the understanding that truth is the prerequisite for reconciliation. Memory institutes also seem to resemble each other, constituting a kind of regional 'grammar' of rules and norms for managing the recent conflictual past. Sandrine Lefranc (borrowing from Luc Boltanski) has applied the notion of grammar to TRCs. That notion refers to a language-like system of operating rules and rules governing relations between the set of actors implicated in reconciliation, as well as 'a whole range of representations' (Lefranc, 2007). Regarding NMIs, given that similar arrangements may be found from one country to the next, may we also speak of a grammar, this one for managing the Communist past? In each such institute there are experts and decision-makers, victims and executioners, police investigation services, recruitment agencies and 'agents', and crystallized around this configuration is a wide range of routine behaviors and shared representations. And the whole could be said to amount to a model for coping with the past designed to enable post-Communist transitions to take place under clearer conditions.

However, in no post-Communist country today is there consensus about whether the 'file' of the Communist past can be closed for good. On the contrary, one has the impression that over time that file has taken on greater importance in political life, the argument being that the moral and socio-political consequences of that history have not been dealt with and are still operative. Germany began by legislating that legal procedures had to be engaged within 15 years after the opening of the Communist files, but it later legislated the postponement of that deadline. In some cases – that is, in Czechoslovakia and the Czech Republic and in the former GDR – laws were promulgated and institutional and judiciary arrangements put in place relatively early, though this does not mean they were effective. Elsewhere, the 'absolutizing' of consensus and compromise together with commitment to a peaceful, negotiated exit from the former regime have slowed decision-making, namely because considerable time went by before a new political party system and party lines were determined. The key point here is that playing memory games and finding winning 'historicizing strategies' are in the interest of political parties, not temporary groups such as the 'fronts', 'forums' and unionists of 1989. In practice, historicizing

strategies have been used to resuscitate atrophied dividing lines, thus willfully bringing discord and dissent back to the fore.

However, judgments have varied in the different countries as to the moment chosen to use such strategies – too early, too late – and the various operating modes used by political parties. There is still debate as to whether the laws were passed too early. Some call their efficiency into question and express doubts as to whether the solutions found can hold in any definitive way. To others, certain features of the procedures seem morally objectionable. The debate on whether such strategies have paid off is far from over. The Poles, Bulgarians, Romanians, Slovaks and Czechs, each in their own way, magnified the German example of dealing with the past immediately; that is, Germany's 1991 law fixing the end of legal procedures for 21 December 2006. However, the 1997 debate in the Bundestag on whether that deadline should be extended made it clear that neither passing laws early nor the apparent perfection of the German administrative system for managing Stasi files had had the desired effect; that is, reaching definitive consensus on the Communist past.[3]

In reality, putting paid to the Communist regime in the name of healthier democratic functioning often amounts to a kind of normative presupposition – to the point where, for particularly zealous actors, saying that the time has come to put an end to the immoral aftermath of Communism is part of the rhetoric required to legitimate quite the opposite objective: keeping the memory mines in operation as long as possible, since producing non-consensual memory is what guarantees present-day actors a strong position on the national political scene. The fact that some files are not readily accessible lends credence to deliberately fueled suspicions that there is a potentially inexhaustible supply of hidden proof that the enemy exists and can still operate.

Post-Communist Europe has not chosen to imitate the otherwise widespread model of the TJC or TRC. It is reasonable to assume that the very idea of reconciliation with cadres of the Communist regime seemed of little interest to the new political parties, which were likely to be right-wing and heavily implicated in movements opposed to the entente and compromise required in negotiated revolutions. Historians I have questioned say that one reason post-Communist countries opted for NMI is the very existence of abundant archives from the Communist period, the equivalent of which does not exist, they say, in post-authoritarian regimes that have opted for a TRC. Meanwhile, an argument often made in favor of radical lustration is that the impunity of former regime agents endangered the country's freshly acquired sovereignty, as those agents

could continue to work for a foreign power, in this case Russia. Moderate historians, opposed on principle to witch hunts sparked by Communist regime files, show how very complex the question of managing a criminal past is in the case of Communism. Andrzej Friszke described the Polish situation in the following terms:

> Why wasn't there a TRC? In a way it was replaced by the roundtable talks and their effects.[4] That is, the fact of having been a dignitary of the former regime brought with it no sanction or exclusion *of itself*. (. . .) It was this climate that so infuriated the radicals. It's psychology. The radicals wanted to take revenge on the people of the former regime. The political police (SB) was another thing. In that case reconciliation was impossible: How can you patch things up with the political police? . . . . Throughout the 1990s, members of the repression apparatus were left in peace; there were few court cases and even fewer convictions. The only trial was for destroying archives. In fact, the question of 'secret collaborators' or 'secret agents' was a way of instrumentalizing the betrayal argument – a very sensitive one in Poland (someone who collaborated with the political police of a country dependent on a foreign power, in this case the USSR, was in effect hiring himself out to the occupier) – and its logical consequence, namely the rumor that we were still being governed by 'traitors'. Those rumors were kept alive to upset the political power relations that had come out of the roundtable talks. The problem was that the 'rumors' contaminated part of society. Why? The answer is sociological. For many Poles the cost of the transformation was unbearable; the need to adapt to a new frame of reference disoriented plenty of people; the new inequalities were perceived as illegitimate. The old world had collapsed, and for many it was essential to find those responsible for that catastrophe.[5]

Paweł Machcewicz, a younger-generation historian, former scientific director of the IPN and current director of the Museum of the Second World War in Gdańsk, offers other possible explanations:

> I think there were two reasons [why there was no TRC]. The major models for Eastern Europe were Germany and the Gauck Office. The dominant conviction among us was that the Germans had settled the issue of lustration very well and the issue of the Communist heritage in general. The law that created the IPN was clearly modeled on the German law. The Polish law later served as a model for

> the Slovakian one, and from what I've heard a comparable institution is going to be set up in the Czech Republic. The Ukrainians too have copied it recently. It's something like a chain reaction, with the most important countries, Germany and Poland, showing the way. The dominant feeling in Poland was that we couldn't settle for making the Communist crimes public knowledge; we also had to punish them, at least the most drastic ones. This explains why the IPN was set up, with the prerogatives of an investigating prosecutor, instead of a TRC. Let me add that in the Republic of South Africa crimes were committed on both sides, whereas Solidarność was a non-violent movement.[6]

During the first decade of change, the model that won all countries' admiration was the one designed by the Germans of the former GDR, particularly former dissidents who had organized street demonstrations and strikes to oppose the July 1990 proposal by the representative of the German Federal Republic to the unification negotiations that all Stasi files be destroyed immediately. Since its inception in 1992, Germany's renowned office, headed first by Joachim Gauck, then by Marianne Birthler and now by the reputed former dissident Roland Jahn, has made its services available to approximately 2 million German citizens wishing to consult their file. In 2010, no fewer than 90,000 Germans requested access to theirs. The specificity of the office lies in providing any German citizen with direct access to his or her Stasi file. Several high-level politicians were exposed as political police collaborators, though this did not hurt their political careers. We too readily forget that the East German approach to dealing with the past cannot be transferred to other contexts. Gauck never spoke of the biographical verification process as 'de-communization'. And he repeatedly declared that members and functionaries of the SED Communist party had nothing to fear. Moreover, reunification made possible elite exchange: no need to de-communize East German functionaries; they could simply be replaced with West German ones. Lastly, when the affair of covert CDU funding broke out and Chancellor Kohl refused to name names, Stasi files could have been used to push the investigation forward, but German political parties unanimously rejected this solution (going against Gauck's advice in doing so).

Is the process of monitoring biographies in connection with the Communist past having any effects in Germany today? Gauck maintains that most Germans are convinced that the abyss of civilization of the Nazi period must not be forgotten. But there is no such consensus around

the Communist dictatorship. In fact, when the Bundestag voted to prolong accessibility of police files to 2019, it also annulled the requirement of checking into the pasts of applicants for civil service jobs (with the exception of federal government jobs and some specific categories), the understanding being that all necessary lustration had already been done. The several tens of thousands of job categories covered by the law were reduced to a few dozen. But this certainly does not mean that the past can no longer be used in Germany to discredit job applicants or individuals generally, or that the time of reconciliation and consensus is at hand. Immediately after passage of the new law drastically curtailing the list of jobs requiring biography checks, the newspaper *Die Welt* made the sensational claim that 50 or so specialists employed at the office where the files were kept were themselves former Stasi functionaries. And the memory issue flared up again in Germany. On 7 September 2011, Roland Jahn, current office head and personally in charge of East German political police archives, declared: 'The Office is still necessary and will remain so as long as there is social demand for assessing the dictatorship.'[7]

An inventory of current institutional memory actors

The other post-Communist European countries were soon forced to accept much less ambitious solutions than the Gauck Office with its annual 2011 budget of nearly €90 million and its staff of 1600 civil servants (already sharply reduced from its first years in operation) managing 111 kilometers of files. In 2006, Lithuania's Genocide and Resistance Research Center had a budget of only €1.5 million and the entire staff came to no more than 135 persons. In 2009, Hungary's Historical Archives of State Security, with 99 historians and researchers, had virtually the same budget line as Lithuania three years earlier: €1.6 million for managing 3.8 kilometers of archives.

At Romania's National Council for the Study of the Securitate Archives, set up only recently to manage the archives of the country's political police, the resources allotted in 2009 for managing 24 kilometers of archives were slightly more substantial: €4 million for 257 employees, including 180 state functionaries and approximately 100 occasional outside experts. The figures are lower for Slovakia's UPN: 1.8 kilometers of archives, €1.6 million and 80 employees in 2009. The Ukrainian case is interesting. Due to electoral vicissitudes under the Yanukovych government (in power to 2007), the NMI there was not given much in the way of resources: three rooms and four historian employees. Yanukovych himself blocked funding, and the former

Rada member Olga Ginzburg blocked access to the archives in the name of the Ukrainian Communist Party. In September 2006 Ginzburg was appointed chair of the state archives committee with a rank of secretary of state. She immediately forbade access to any files that might concern crimes imputable to the Communists. Ginzburg was fired six months after the 'Orange' coalition came to power in October 2007.[8]

Bulgaria has a commission that regulates access to documents. One of its tasks is to indicate which citizens may have belonged to the Communist services. In 2006, the 'Committee on Disclosing of Documents and Announcing Affiliation of Bulgarian Citizens to the State Security and the Intelligence Services of the Bulgarian National Army' had a budget line of €2.5 million and was planning to hire over 100 employees. By contrast, Poland's national memory institute, the IPN, has a network of regional delegations, a considerable budget allowance – over €50 million in 2009 – and a plethoric staff: 2171 employees in 2009. This is the only institute officially in charge of four distinct tasks: court case prosecution, teaching, research and archive managing.

In Slovakia, Estonia, Latvia, the Czech Republic (since 2007) and Romania (with the exception of one set of classified files), files are directly accessible and anyone may read them. Bulgaria has presumably made the same choice, though part of the archives remains off limits. In Poland, Lithuania and Hungary, only certain groups may access files: regime victims, researchers, journalists and magistrates. Nearly all the former Communist countries have specific memory-managing institutions where their archives are kept. Institutes in Poland, the Czech Republic, Slovakia and Latvia cover both the Nazi and Soviet totalitarian periods, with archives dating from before the Second World War to 1990. In Slovakia, the Czech Republic and Bulgaria, lists of police collaborators (some of which have been challenged as false) may be consulted on the Internet (on Slovakia's Institute of the Nation's Memory site, on the archive section of the Czech Republic Interior Ministry website, and in Bulgaria after a defendant has lost a case on appeal). Lists may also circulate without official institutional approval, for the purpose of either challenging or supplementing an official list, as in the Czech Republic, or to pressure institutional actors and speed up procedures for revealing agents' identities, as happened in Poland in 1992 and 2005.

Just hours before the announcement that early elections would be held in 2007, IPN president Jan Kurtyka[9] announced he had a list of 500 agent names, some of which were then mysteriously cited in the media. The names of several Polish clerics recruited as state agents were made public. Lists circulating in Hungary involved exchanges at the highest

political levels, implicating a socialist prime minister and the father of his main rival on the right. In this frenzy of accusatory activity, here curtailed, there provoked by citizens' movements or victims' revelations but also by historians with little concern for the presumption of innocence and journalists eager for a scoop, it regularly happens that the wrong individuals are targeted. Several persons claiming to have been unjustly accused of being political police collaborators took their cases to the European Court of Human Rights in Strasbourg and some won. In 2004, for example, the Lithuanian authorities were sentenced to pay heavy damages to four citizen-defendants whom they had had fired from their jobs. The argument cited by the European court in this case was that the laws on which the accusations were based had been passed too long after the acts being tried. The court called upon the Lithuanians to stop prosecuting potential KGB collaborators; that is, persons who had never actually worked as agents but whose names were on a reserves list. Rumors about how former agents use files to blackmail past victims who had been forced to sign a collaboration agreement but never actually collaborated intensify feelings of insecurity.

The wide range of actors who have emerged in the memory field – and above all their clear connections with existing political parties – are changing how institutions for managing the past operate. These actors constitute a set of users of the symbolic past who are destined to confront and compete with each other; that is, to try to distinguish themselves from each other, stigmatize each other, if possible create scandals about each other, and struggle to come out ahead in normative rankings. That set of actors includes party leaders and activists, journalists, judges and elected officials, particularly members of parliament. Curiously, however, it is also being increasingly influenced by the historian-archivist profession, or rather a subgroup that may be referred to as 'activist' historian-archivists, professionals who no longer feel any complex about their party affiliations or commitment to a certain party line. These actors use their hybrid status – being academics, experts engaged in the eminently legitimate work of archive research – to increase the impact of their historicizing strategies and reap the benefits.

For some of them, all that counts is behavior, if possible attested to by the files; they are not interested in the context of that behavior. It matters little to them who wrote the file, even if it was the Communist oppressor and his accomplice the contact officer.[10] They maintain that as authors of the police file, those agents are entitled to the same consideration as professionally trained historians. They reject any nuanced view

of the person in question: a traitor is a traitor, a hero a hero. This attitude, meant to come across as cool-headed and objective, is nonetheless founded on moral conviction, not fact. The guideline used in recruiting historians and archivists at the Polish and Slovakian institutes is interesting: young historians without emotional prejudices were preferred over older historians who had lived under Communism. A number of these young researchers, now officially granted the role of investigator for the prosecution and quite insensitive to the complexity of the files, have moved into the political arena. Some in Poland are suspected of playing outright for a given party, helping along lustration of political enemies and diffusing suspicions meant to compromise political figures whose only 'crime' is to have chosen a different political option. It has been suggested, for example, that because the Polish political opposition hero Jacek Kuroń met and talked with his contact officers, as shown in their notes and memos, he was getting ready to come to an understanding with the Communist regime. Annoyed by questions raised in 2005 about the impartiality of young historians, IPN head archivist Bernadetta Gronek replied: 'Despite a general fear, we do not employ lustrators – or missionaries. It is true that at the outset everyone was excited about having access to the country's darkest secrets.'[11]

The danger is that partisan appointments will turn these institutes into little more than instruments in the rough hands of figures implicated in political contests, especially since institute employees perform several functions: classifying, investigating for the prosecution and making recommendations on applicants for certain administrative positions. The danger is that the science of history will be made to serve criminal law. For their part, the media are quite attracted to this variant on the historian, the historian-judge, who brandishes files for the cameras and makes accusations rather than examining the context and complexity of the past. They are particularly pleased with historians who ask their own journalistic questions – Who gave the order? Who signed it? Why haven't the criminals been punished? – and neglect the usual precautions of the profession.

Agents of the Communist past and 'agent' as a post-Communist stigma

Bolstered by institutional arrangements such as memory institutes, lustration (checking into the past lives of cadres and applicants for jobs that carry public responsibilities) sharply focuses on another type of actor that plagued citizens under Communist regimes: the political

police 'agent' (Friszke, 2008). The opening of the archives and their use in the courts and academic research revealed to the public not only the thousands of pseudonyms given to citizens by the political police services, but also a specific nomenclature of agent types and assignments.

In Poland this nomenclature was contained in a secret document and revealed thanks to the opening of the archives. At least nine categories of agent were operating behind the scenes in the 'theater' of the country's Communist past. There was the 'spy' (*wywiadowca*), an espionage bureau functionary; the 'recruiter' (*werbownik*), a spy or agent authorized to recruit collaborators; the 'agent' (*agent*), secretly hired to collaborate with the espionage bureau; the 'source agent' (*agent źródło informacji*), who collected confidential information; the 'influence agent' (*agent wplywowy*), whose job was to shape public opinion in accordance with bureau instructions; the 'diversion agent' (*agent dywersynjny*), in charge of sabotaging enemy military or economic structures, destabilizing enemy political structures, and so on; the 'network managing agent' (*agent kierownik siatki*); the 'courier' (*kurier*); and the 'liaison agent' (*łącznik*). In some Communist countries – for example, Poland and Germany – it is this type of nomenclature, produced of course by the incriminated Communist regime itself, that is used to check the pasts of applicants for civil service jobs, the degree to which they may have been implicated in regime misdeeds (Paczkowski, 2006). Persons exposed as agents of the Communist regime are not tried if their collaboration did not involve criminal offenses as defined by the country's penal code, but anyone so exposed will no longer be hired for a number of jobs and occupations. And in no country has it been possible to steer clear of excessive unofficial sanctions. The term 'Communist agent' has become a pure stigma, very effective even when it does not correspond to fact. Suspicion, false rumors and premature announcements are the common lot of political actors; the Communist past is used as a weapon to discredit them.

The list of personalities stigmatized by indelicate opponents – occasionally with the help of historians and archivists lacking a firm commitment to the facts – is long. Lech Wałęsa and Milan Kundera have been accused of being agents, and the suspicion has been raised that Václav Havel and Jacek Kuroń collaborated. Moreover, unregulated lustration extends beyond national borders. The European Union has allowed its floor to be used for extraterritorial denunciations. In November 2009 a number of MEPs from former Communist countries busied themselves hunting down and exposing past membership

in Communist parties in the biographies of certain candidates for the European Commission. The Christian-Democrat fraction was the most vocal, calling for any candidate for a position on the European Commission with any ties to repressive regimes or anti-democratic movements to be disqualified. Eastern and Central European MEPs were particularly zealous denouncers.[12]

A few clarifications for future research

While NMIs would seem to belong to the same family as TRCs in that what makes them legitimate is their quest for truth, considered the precondition of reconciliation, and while these institutes also seem to resemble each other, representing a sort of regional grammar of rules and norms for managing a recent conflictual past, the fact is that in both cases, differences are stronger than similarities.

Clearly memory institutions do not give priority to deliberation and exchange between oppressors and victims. Archives have replaced confessions. NMIs are instruments influenced by local contexts and situations and ultra-sensitive to internal political power shifts, party lines and alliances. In contrast to TRCs, then, they have never won international moral legitimacy. The international institutions responsible for normative arbitration – for example, the Council of Europe Parliamentary Assembly, the European Parliament itself (Mink, 2010) and the European Court of Human Rights in Strasbourg, which, as mentioned, has disavowed memory institute actions several times – are divided on what the functions of these institutes should be. In contrast to TRCs, memory institutes have gradually lost their vocation for autonomy and universality – to the benefit of national political frameworks whose particulars are inimitable, political frameworks that those institutes stimulate, fuel and serve. TRCs evolved out of networks of committed volunteers – non-governmental organizations, lobbies or experts; this is not true of memory institutes. Since 1990 it is as if the partisan radicalization of the institutes and their disinterest in the goal of reconciliation have been increasing at the same pace as political parties in the countries turn the Communist past into a resource and realize how profitable it can be to appropriate the institutes and use them to their own partisan ends. Election processes have accelerated these developments.

The process for appointing institute directors reflects this radicalization. There is a pattern here: moderate figures from the first period, often with ties to the dissidents, have yielded to figures with direct ties to the political parties in place, whose primary aim is to stigmatize the enemy. This was the case with Mr Kieres in Poland, who was

replaced by Mr Kurtyka,[13] close to the PiS, and Mr Langoš, head of the Slovakian institute, who was succeeded after his accidental death by Mr Petrusanek, who had ties to the Slovakian coalition's extreme-right nationalist party.

The Czech case is interesting in that it belies the idea that early lustration (as mentioned, the country's first law dates from 1991) can make it easier to close the doors of the past (Dvořáková, 2007). In fact, after 15 years of court passivity, the use of lustration was still so profitable that the conservative Civic Democratic Party (ODS) and an affiliated group of radical historians asked to reactivate it in 2006, demanding that the brand new 'Institute for the Study of Totalitarian Regimes' and its archives become part of the interior ministry. The argument is paradoxical: control by the ministry, even a ministry in the hands of the ODS, was thought of as a means of guaranteeing institute independence.[14] The institute was definitively created in 2008 and allotted 50 employees and a budget of nearly €10 million: 'In Czech university circles,' according to Pavel Paleček, who headed its publishing office from January to May 2008 before resigning, 'that was a real treasure' compared to the poverty of university history departments. The new center was soon embroiled in a scandal: in October 2008 the journal *Respect* published a text stigmatizing the celebrated writer Milan Kundera for having 'given' a young student, Miroslav Dvořáček, to the Communist police in 1950. In fact, the accusation was organized by an institute employee, Adam Hradilek, a relative of Dvořáček.[15] From that moment forward, the center and those running it have been the target of ever more incisive criticism. Jiří Pehe, former advisor to President Vaclav Havel and current director of the New York University in Prague, commented: 'From its inception this Institute was occupied by people with a Jacobin style of managing history.' His next remark leaves no room for doubt: 'The [Institute's] board reflects the political reality of who is in power.'[16]

Clearly, politicization has caused these institutes to lose their moorings, turning them into machines for de-legitimizing political opponents. But it would be wrong to conclude that there is any teleological linearity to these institutes' development: the Polish example shows the pendulum swinging in the opposite direction. Most historians use the archives for research that complies in every way with the requirements of the profession – and this hardly precludes them from opening up new research avenues and new perspectives on the Communist period and the Second World War. It is nonetheless true that within the historian 'corporation' itself the historical accounts produced by these institutes are often criticized for their disregard of social history and

the sociological characteristics of the former regime actors in charge of producing written accounts, for their lack of historical contextualization and their failure to compare written sources with available accounts by living witnesses and participants. The disparity between the means allotted to these institutes and those made available to university research centers is also striking.

It should be noted that the new bill put forward by the Civic Platform party in Poland and passed by the Sejm and the new president Bronisław Komorowksi in 2010 does take into account accusations of excessive politicization. The lawmakers suggested four changes, which sum up quite clearly the institution's main vulnerabilities: de-politicization; increasing co-responsibility and the influence of the Steering College, which elects the executive director, who is now to be chosen in accordance with professional competence criteria; making the archives more widely accessible; and speeding up the process for obtaining permission to consult them.[17]

It must be observed, however, that in contrast to the internationally successful model of the TRC, NMIs have until now looked very much like instruments of political division and combat, confined to national frameworks and incomplete circles of historians. Despite their claim to encompass and embrace 'national memory', they have given priority to sectorial aspects of history and memory. And in terms of transfer policy and the circulation of a 'grammar' for managing conflictual pasts, they have been a failure: they have not been able to respond correctly to the need for a solution for managing the archives of totalitarian or authoritarian pasts, nor have they played a helpful role in the transitional justice process. At least until now, grafts of this model seem to have 'taken' best in places where politically interested institute management has paid off in electoral competitions.

Notes

1. Remarks made at the Jagiellonian University, Krakow, in 2007 while promoting his book *Prosím stručně*, published in French under the title *A vrai dire* (Editions de l'Aube, 2007) and in English under the title *To the Castle and Back* (Vintage Books, 2008).
2. It is interesting that the official title for this day does not mention 'totalitarian regimes' or allude to their common nature, but rather identifies each of them differently.
3. Germany's Bundesrat (higher chamber) only ratified the Bundestag's decision to maintain the lustration law in effect to 2019 because the newspaper *Die Welt* had opportunely called the public's attention to the file of Joachim Tschirner, recently found in the Stasi archives and revealing that this

emblematic GDR dissident and reputed documentary filmmaker had been an agent. The discovery was used as proof that biographies still had to be monitored and the individuals in question 'lustrated' (*Gazeta Wyborcza*, 8 November 2011).

4. 'Roundtable talks' is the term commonly used to designate the negotiations that took place between the Communist authorities and the opposition from 1989 to January 1990 in Central Europe. In Poland, such talks were held from 6 February to 4 April 1989 to reach a compromise on how to end the Communist regime (Elster, 1996; Mink and Szurek, 1999).
5. Email letter of 13 November 2007.
6. Email letter received in October 2007.
7. 'Rozliczenia wciąż potrzebne', *Rzeczpospolita*, 7 September 2011.
8. www.obcom.net.ua, 28 March 2008.
9. Kurtyka died in the plane crash of 10 April 2010 near Smolensk that killed the Polish president.
10. There are very few impartial studies of the methods used to construct archives under Communism and little in the way of epistemological or methodological precautions are imparted to historians working on political police files. The few such studies that do exist deserve to be mentioned, despite the fact that they pertain to tightly circumscribed regions and time periods (Dziuba, 2006; Musiał, 2006).
11. *Polityka*, 5 February 2005.
12. 'Lustracja w Brukseli', *Gazeta Wyborcza*, 25 November 2009.
13. In a recent book, Antoni Dudek, who worked at Poland's IPN from 2000 to 2011 as advisor to the director and identifies himself as both a partisan of lustration and a 'patriot' of the institute, and who therefore cannot be suspected of wishing to call into question the institution's existence, wrote: 'It is significant that of all the directors [heads of departments and regional delegations], only one came from the academic world. For Kurtyka, organizational abilities and loyalty to the chief were more important than historical knowledge' (Dudek, 2011, p. 262).
14. Personal interviews of the author with Pavel Žáček and Pavel Blažek on 5 February and 6 February 2007, and with Senator Jiří Liška, author of the bill on the Institute for the Study of Totalitarian Regimes on 8 February 2007.
15. Pavel Paleček, 'Affaire Kundera: "Les Tchèques ne sont pas prêts à se réconcilier avec leur passé communiste" ', www.regard-est.com, accessed 4 November 2008.
16. 'Institute charged with examining Communist-era archives is overly politicizing its work, critics say', *The Prague Post*, 16–22 December 2009.
17. http://www.ipn.pl

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Part III

International Norms and 'Geopolitics of Memory'

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10

Memory Wars and Reconciliation in the Ukrainian–Polish Borderlands: Geopolitics of Memory from a Local Perspective

Tatiana Zhurzhenko

On 22 January 2010, Ukraine's Unity Day, the outgoing president Viktor Yushchenko posthumously awarded Stepan Bandera, the icon of militant Ukrainian nationalism, the official title 'Hero of Ukraine'. While Western Ukraine enthusiastically welcomed the long-awaited decree, it found much less understanding in the rest of the country. The controversial act also had a significant international resonance. Protests took place in many Polish cities. President Lech Kaczyński, despite his personal sympathy to Yushchenko, criticized the decree as an 'action aimed against the historical reconciliation process between Poland and Ukraine'. On 25 February 2010, the European Parliament, on the initiative of the Polish members, passed a resolution denouncing Yushchenko's decree. Not surprisingly, the resolution was welcomed by Moscow, which urged the incoming president Yanukovych to revoke the decree of his predecessor. In a letter to the European Parliament, Yushchenko insisted on his decision. An appeal in defense of Bandera was signed by a group of deputies of the Ukrainian parliament. Lviv's regional assembly also issued an open letter to the European Parliament defending the honor of Stepan Bandera and the right of the Ukrainians to have their own heroes, even if they are not popular among their neighbors. On the Polish side, the situation was used by the nationalists and right-wing politicians to fuel anti-Ukrainian sentiments. The unfortunate decoration of Bandera alone could not shake Ukrainian–Polish relations, but it contributed to the general 'Ukraine weariness' that Polish political elites and society at large felt after the failure of the Orange

Revolution. The model of Ukrainian–Polish reconciliation based on the assumption that Ukraine is following the 'Polish path' to Europe was challenged by the comeback of pro-Russian Viktor Yanukovych.

The Bandera episode is not only symptomatic of Ukrainian–Polish relations, but also reveals complexities and ambiguities of reconciliation as such, which, according to Lily Gardner Feldman, always melds moral imperative with pragmatic interest.

> Relations of reconciliation . . . involve cooperation and confrontation; governments and societies; long-term vision and short-term strategy; political support and opposition. In reconciliation, the mix of pragmatism and morality differs depending on history, institutions, leadership and international context, or what we could call the political dynamics of the process.
>
> (Gardner Feldman, 1999, p. 334)

Polish–Ukrainian reconciliation deals with a centuries-long common history and brutal ethnic conflicts, but it can be understood only in the context of contemporary tendencies: the globalization of the discourse on genocide and the 'competition of victims', post-Soviet nation building and the challenges of coping with the Communist past, European Union (EU) enlargement and the changing role of Russia in Eastern Europe.

Another aspect of reconciliation often underestimated by observers is its regional (local) dimension. While national elites and central governments usually play the leading role in reconciliation by settling political priorities and creating institutions, regional state bodies, municipalities, local politicians and other political actors (academic institutions, ethnic and cultural associations, churches and the media) have their own interests in this process. Regional elites often claim to have more knowledge about their neighbor across the border (including language competence and personal contacts) and are particularly interested in foreign investments, cross-border cooperation and tourism. At the same time, local politicians tend to instrumentalize the collective memories and historical traumas of the population for electoral purposes or for bargaining with the central government.

As the center of the 'Ukrainian Piedmont' and the motor of de-Sovietization, Lviv has been playing a special role in the Ukrainian–Polish reconciliation. Once a Polish city, with its symbolic landscape radically re-shaped during the Soviet era and further Ukrainized in the last two decades, it still fuels the cultural imagination and nostalgia of

the Poles. Though a traditional stronghold of Ukrainian nationalism, today's Lviv claims the role of a cultural capital and a European city. A constant challenge to the 'pro-Russian' Kyiv, Lviv elites favor the 'Polish model' of post-Communist transition and see the future of Ukraine in the EU and NATO. Situated in a border region that has fallen victim to power politics on more than one occasion, Lviv is particularly sensitive to geopolitical changes in Eastern Europe. The economic well-being of the local population depends on cross-border small trade and labor migration, both of which have been significantly affected by the EU and Schengen area enlargements. Their economic and social consequences interplay with resentments and stereotypes about the Polish neighbors and with collective memories and traumas of the past. The strengthened border regime and the new visa policies, which contribute to fears of exclusion and international isolation, resonate with the old asymmetry in Ukrainian–Polish relations and turn the reconciliation process into power struggle.

Starting with a brief summary of the Ukrainian–Polish conflict and an overview of the reconciliation process initiated in the early 1990s, this chapter explores the complexities and ambiguities of reconciliation from a local perspective, focusing on Lviv and the Lviv region. It addresses the ambivalent politics of the Lviv municipality and the regional assembly toward the memory of the Ukrainian–Polish conflict and seeks to explain the controversial behavior of the main political actors. The central question addressed in this chapter – how does reconciliation actually 'take place', or in other words, how does it become possible in a particular local political setting – is answered by analyzing three commemorative initiatives that demonstrate the interplay of national and regional (local) interests in the reconciliation process. The first example is the conflict around the Eaglets' Cemetery in Lviv in the early 2000s. The second example deals with the opening of the memorial for the Ukrainian victims in the Polish village of Pawłokoma in 2006, and the third focuses on the controversies around the Polish memorial in Huta Pieniacka near Lviv, which was reopened in 2009.

A brief history of the Ukrainian–Polish conflict

Originally the center of the medieval Ruthenian principality of Halych-Volhynia, Lviv (Polish: Lwów; German: Lemberg) came under Polish rule in 1349. After the partitions of Poland the city became the capital of the newly acquired Austrian province of Galicia. From the second half of the 19th century Eastern Galicia saw a growing competition of Polish

and Ukrainian nationalisms. The Roman Catholic Poles were the dominant group in the province; they drew their aspirations from a long history of statehood and a 'high culture'. The Ukrainians (Ruthenians), most of them Greek Catholics,[1] were a peasants' nation in the making. The First World War and the collapse of the Habsburg Empire led to a radicalization of nationalist claims. On the night of 1 November 1918, the Ukrainians took control over Lviv and declared the West Ukrainian People's Republic (ZUNR). On their part, the Poles continued to claim Galicia as an integral part of their newly established state. Facing the superiority of the Polish military forces supported by the local Polish population, Ukrainians left Lviv after fierce street fights and ultimately lost their cause some months later. In 1923 Eastern Galicia, overwhelmingly populated by ethnic Ukrainians, came under Polish rule. The Ukrainian nationalists did not want to accept this outcome; in 1929 the radical Organization of Ukrainian Nationalists (OUN) was formed. In response to the acts of sabotage and terror practiced by the OUN, Ukrainian villages were 'pacified' by the Polish police and Ukrainian activists were arrested.

In September 1939 Eastern Poland was occupied by the Soviet army. The Ukrainian population did not regret the end of Polish rule and initially welcomed the affirmative Soviet policy of Ukrainization. However, the mood soon changed as arrests and deportations were targeted not only at the Polish, but also at the Ukrainian elites. In the summer of 1941, during the first weeks of the Nazi aggression against the Soviet Union, around 10,000 political prisoners – mostly Ukrainians – were killed by the NKVD in Western Ukraine – an action skillfully used by the Nazis to provoke anti-Jewish pogroms. As with other losers of the Versailles system, the Ukrainian nationalists connected their hopes for independence with Hitler. The Bandera faction of the OUN proclaimed an independent Ukrainian state in Lviv on 30 June 1941. But the Nazis were not interested in Ukrainian nationalists as allies. Quite soon they became an object of repressions; Stephan Bandera was arrested and put in a concentration camp. In 1942 the Ukrainian Insurgent Army (UPA) was formed to fight for an independent Ukrainian state, whose main enemy, after Stalingrad, had become Stalin.

It was during the Second World War that mutual hostilities between Poles and Ukrainians in the Nazi-occupied territories of Eastern Poland escalated into ethnic cleansings. In the summer of 1943, mass killings of Polish civilians were committed by the UPA and the local Ukrainian population in Volhynia. The ethnic conflict spread to Eastern Galicia and other areas of mixed Ukrainian–Polish settlement. Some Ukrainian

villages along the river San and in the Chełm area were 'pacified' by the Home Army (AK) and by Polish self-defense units as retaliation for the UPA actions against Poles. Around 100,000 Poles and 20,000 Ukrainians were killed in this ethnic conflict. According to Timothy Snyder, 'by 1944, Stalin seems to have concluded that ethnic homogeneity in combination with the Molotov–Ribbentrop borders of 1939 would make both Poland and Ukraine easier to rule' (Snyder, 2003, p. 182). During 1944–46 almost 500,000 Ukrainians were 'repatriated' from Poland to Soviet Ukraine. At the same time, over one million Poles from the former *kresy* (now Western Ukraine and Western Belarus) moved to the 'recovered territories' in the West of Poland. In 1947 a forceful deportation of the remaining Ukrainian population (the so-called 'Operation Vistula') was carried out: around 150,000 Ukrainians were forcefully resettled to the Western and Northern areas of Poland that had been taken from Germany. Operation Vistula was not just an 'anti-terrorist' action; its aim was the assimilation of the Ukrainian minority and thus the final solution of the Ukrainian question (Snyder, 2003, p. 197).

The decades-long Polish–Ukrainian conflict left deep scars in the collective memories of both nations, which both developed their own narratives of suffering: while the Poles cannot forget the victims of the 'UPA bandits', the Ukrainians still recall Polish repressions in the interwar period and the retaliation actions of the AK. In the post-war decades, these memories were repressed by the Communist authorities, but the collapse of the Soviet empire re-opened the old wounds. In Poland, liberalization opened the way for the creation of numerous civic associations and the institutionalization of old/new 'communities of memory': the AK veterans, expellees from the 'eastern Polish lands' and 'victims of Ukrainian nationalists'. These new 'commemorative entrepreneurs' (Mink, 2008) have often been nationalist and xenophobic; they do not enjoy serious political influence but are well organized and highly mobilized. In 2003, using the 60th anniversary of the Volhynia massacre, they launched an extensive campaign with the aim of obtaining Ukraine's official acknowledgment of what they consider the '*ludobójstwo*' (genocide) of the Polish population (Kasianov, 2006, p. 249). In Western Ukraine, anti-Polish sentiments are still present today, especially among the older generation; here, too, associations of UPA veterans and Ukrainian expellees were created in the early 1990s. However, in political terms anti-Polish nationalism has been extremely marginal even in Western Ukraine, which is rather preoccupied with the Soviet heritage and with Russia's persisting political and cultural influence.

Ukrainian–Polish reconciliation after 1991

The Ukrainian–Polish reconciliation was prepared in the post-war decades by Jerzy Giedroyc, a Polish emigrant publisher, intellectual and editor of the Paris-based magazine *Kultura*. While most of the Polish emigrant milieu dreamed of a return of the *kresy*, the Eastern Polish borderlands, Giedroyc was the first to realize that after the fall of Communism good relations with independent Ukraine, Belarus, Lithuania and democratic Russia would be crucial for Poland. Giedroyc's vision of the future Eastern Europe influenced the new generation of Polish intellectuals and shaped the political ethos of *Solidarność*. Already in 1990 Lech Wałęsa, Adam Michnik and Jacek Kuroń established contacts with the newly formed Ukrainian popular movement *Narodnyi Ruch*. On 3 September 1990 the Polish Senate officially denounced Operation Vistula. In 1991 Poland was the first state to recognize Ukraine's independence, a conscious act of the Polish leadership that had great symbolic weight. In the early 1990s, this '*Solidarność* ethos' determined Polish policy toward Ukraine. As Timothy Snyder put it, Polish national elites demonstrated the ability to differentiate 'between state interests and national memories' (Snyder, 2003, p. 274).

For the new Ukrainian state the support of Poland was crucial in the first years of independence and helped to counterbalance the strong Russian influence. Poland became a model of economic and political reforms and later an advocate of Ukrainian interests in the EU. It has been one of the few geopolitical allies to support Ukraine's accession to the EU and NATO, and has been even more resolute in this respect than the Ukrainian leadership itself. In 1997 the 'Common Declaration of the Presidents of Ukraine and Poland on Mutual Understanding and Reconciliation' was signed in Kyiv. Good relations with his Polish counterpart were important for Leonid Kuchma, who in his second term became embroiled in political scandals and came under severe criticism at home and in the West. The Polish president Kwaśniewski tried to prevent the international isolation of Kuchma's government while at the same time supporting the Ukrainian democratic opposition. While in 2003 the Ukrainian and Polish parliaments got involved in the contentious debates on the interpretation of the Volhynian tragedy, both presidents met at the commemorative ceremony in the village of Pavlivka in Volhynia and made a joint statement on the need for reconciliation.[2] During the Orange Revolution in 2004 Alexander Kwaśniewski and Lech Wałęsa took the role of mediators and helped solve the conflict in Kyiv peacefully.

In Poland the Orange Revolution was perceived as a decisive Ukrainian step toward democracy and European integration and as a success of Poland's Eastern policy. Viktor Yushchenko was seen in Poland as the political leader of a new generation, pro-European and free from the burden of the Communist past. But radical political changes soon occurred in Poland as well: in September 2005 Lech Kaczyński became president and soon afterward his right-wing populist PiS Party won the majority in the Polish parliament. The new conservative and nationalist Polish leadership instrumentalized historical memory in domestic as well as in international politics, re-opening political confrontation with both Russia and Germany. In the context of the escalating Bush–Putin rivalry in the post-Soviet space, anti-Communist and anti-Moscow sentiments became an ideological priority in Ukrainian–Polish relations. However, Kaczyński and Yushchenko soon lost popular support at home and respect abroad. Both found themselves in a marginalized position appealing to the right-wing and conservative segments of their electorates and thus unwillingly re-animating old nationalist ghosts.

Lviv: A local perspective on Polish–Ukrainian reconciliation

The role of Lviv in the Ukrainian–Polish reconciliation process is ambivalent: for decades an object of contestation between the two nations and a stronghold of Ukrainian nationalism, the city has a vivid liberal intellectual milieu and a pro-European civil society. Due to their efforts, some new inclusive commemorative projects emerged recently, among them a new initiative aimed at increasing the visibility of the local sites of Jewish memory, and a joint Polish–Ukrainian contest for a monument to the Polish university professors executed by the Nazis in 1941. Lviv's Mayor Andriy Sadovyi (in office since 2006), who comes from the non-governmental organization sector, has good contacts with the Polish side and is supported by Lviv's liberal intelligentsia. The municipal authorities want to present the city as modern, multicultural and inclusive ('A city open to the world' is the official motto of the Lviv city council). A whole range of institutions rooted in civil society and often developed with the help of Western sponsors (PAUCI, the Carpathian Euroregion, etc.) promotes tourism as well as the exchange of civic activists and youth contacts. The European image of Lviv is stimulated and rewarded by a growing flow of tourists, while the European Football Championship held in 2012 in Poland and Ukraine (Lviv was

one of its sites) served as a great incentive for Ukrainian–Polish cooperation. At the same time, the mayor, who is under growing pressure from the right-wing nationalists,[3] presents himself to the local public as a true Ukrainian patriot. The Lviv municipality has been restoring numerous graves and memorial sites dedicated to the UPA and the UHA (Ukrainian Galician Army), and UPA veterans get additional allowances from the city budget. New museums and exhibitions devoted to the UPA were opened in recent years, and in 2007 an impressive monument to Stepan Bandera was erected in the center of Lviv – much to the irritation of the city's Polish neighbors. In May 2010, the city council made both Stepan Bandera and Roman Shukhevych, the former UPA general, honorary citizens of Lviv. However, this act, a protest against President Yanukovych's political course, was not meant as anti-Polish. In fact, the Lviv municipality has not been in open confrontation with the Poles since at least 2005, when the conflict around the Eaglets' Cemetery was resolved.

The Lviv regional assembly has been more nationalist and populist than the city council, however, even if Yushchenko's 'Our Ukraine' political bloc, which dominated the assembly from 2006 to 2010, tried to block any provocative anti-Polish declarations. The problems of Polish–Ukrainian relations are usually raised in the regional assembly by the radical 'Svoboda' nationalists and other populist deputies. For example, in September 2009, the Lviv regional assembly denounced the declaration of the Polish Sejm concerning 'the tragic fate of Poles in the Eastern borderlands'. It was stressed that the use of the term '*na kresach wschodnich*' in the official document is unacceptable and can be interpreted as a territorial claim. Moreover, the official use of the term '*ludobójstwo*' was interpreted by Lviv deputies as an accusation of genocide. In 2009 the Lviv regional council was also involved in a conflict with the regional assembly of the Podkarpackie province concerning the Ukrainian military gravesite on Khreshchata Mountain in the Carpathians. The decision to dismantle the monument (allegedly installed without official permission) made by the Podkarpackie regional assembly appalled the Lviv deputies; in response, they called for more control over Polish commemorative activities on Ukrainian soil.

One reason for the active use of 'historicization strategies' by the regional assembly is the way it sees its role in Ukrainian politics. As one of the first democratic regional assemblies where Communists lost control as early as 1990, it is proud to be a stronghold of Ukrainian independence and democracy. In Kuchma's era the Lviv regional assembly supported the national democratic opposition. Mistrusting Kuchma

and his government, the assembly often went beyond its official powers and interfered in international politics, at least on the level of declarations. It assumed a special role as a protector of the Ukrainian national interests that the central government in Kyiv allegedly was not able to protect, particularly in relations with Russia and Poland. This role hardly changed under president Yushchenko, who could always count upon the support of Lviv's political elites and electorate for his memory politics.

Reconciliation and power asymmetry

According to Georges Mink 'an "asymmetrical" balance of power – even if this balance seems frozen – is in itself a resource that can be seized at an opportune moment; that is, a moment when it appears profitable to recycle the past' (Mink, 2008, p. 477). Lviv's ambivalent role in the reconciliation process can be better understood in the context of various overlapping asymmetries, not only in Polish–Ukrainian history but also in the countries' current bilateral relations, as well as in Ukraine's domestic politics. Historically, Polish nationalism in Eastern Galicia was stronger than Ukrainian nationalism; the Ukrainians, unlike the Poles, failed to establish their own state in the interwar period. After the collapse of Communism, Poland emerged as a European state with a mature political opposition, a clear anti-Communist consensus and pro-European aspirations. On the contrary, post-Soviet Ukraine has been weak, dependent on Russia and internally divided. This asymmetry – and particularly its economic dimension, experienced by residents of the borderlands in their everyday lives – has only increased with the accession of Poland to NATO and the EU. Ukraine's exclusion from EU integration frustrated the Lviv proponents of a 'Polish path' and proved in their eyes the political failure of the Ukrainian leadership. It strengthened the feeling of yet another asymmetry – between the pro-Western Halycyna, which has little influence on Ukrainian politics, and the Sovietized, 'pro-Russian' East, whose oligarchs are the *de facto* rulers of the country.

The Polish–Ukrainian conflict, which is an important element of collective memory in Poland, remains little known in Ukraine, except for its western regions, and of little interest to the Kyiv government. Moreover, in Poland the interests of the victims and their descendants are represented by a strong lobby, including the Association for the Commemoration of Victims of the Ukrainian Nationalists. Polish state politics of memory in general is better institutionalized (e.g. through the

Institute of National Remembrance and the Council for the Protection of Struggle and Martyrdom Sites), a fact that is seen by the Ukrainian nationalists both as a threat and an example to follow. Little wonder that the reconciliation 'from above' between Warsaw and Kyiv was observed with some mistrust from Lviv, which felt underrepresented and dominated by Kyiv politicians ignorant of Polish–Ukrainian history. It was the Orange Revolution that Lviv saw as a chance for a 'truly Ukrainian leadership' to protect national interests inside the country and in relation to its neighbors. While the Polish side (and the Ukrainian liberal intellectuals) perceived the event as a new impulse for reconciliation, from the Lviv nationalists' point of view the new political constellation in Kyiv offered a chance to overcome the traditional asymmetry in Ukrainian–Polish relations.

The Eaglets' Cemetery in Lviv 2002–05

The conflict around the Polish military cemetery in Lviv, also known as the Eaglets' Cemetery (*Cmentarz Orląt Lwowskich*) can scarcely be understood without taking into account Ukraine's internal political crisis and the anti-Kuchma attitude of Lviv's elites and population. The memorial to the 'Polish defenders of Lviv', which included a monumental cemetery complex and a Glory Monument, was constructed in the 1920s and became an important *lieu de mémoire* for Poland. During the post-war decades the cemetery was abandoned and partly destroyed. In the early 1990s, its restoration, initiated by private individuals, was supported by the Polish government and approved by the Ukrainian central authorities (see Photo 10.1). The official inauguration of the memorial site was supposed to demonstrate the Ukrainian–Polish partnership; however, it was postponed for years because of some disagreements about the details of the memorial's design as well as the wording of the inscription. Characteristically, the main controversy emerged not between Kyiv and Warsaw, but between Kyiv and Lviv. The Lviv city council objected to the symbolism of the memorial, considered to be an expression of 'Polish militarism'. It insisted that it would not permit the re-inauguration of a Polish cemetery glorifying the Polish Army on Ukrainian territory. The conflict culminated in the spring of 2002, when the planned meeting of presidents Kuchma and Kwaśniewski had to be canceled because no compromise could be found.

From the point of view of the Lviv city council, the memorial represented a powerful symbol of Polish presence in Lviv and a

Photo 10.1 The Eaglets' cemetery in Lviv.
Source: (© T. Zhurzhenko)

symbolic claim for its Polish identity. This attitude was based on deeply rooted stereotypes of the older generation, which grew up with family memories of war violence. However, the anti-Polish resentment was not the main motive for the Lviv city council's reservations. Rather, Lviv politicians used this opportunity to present themselves as true Ukrainian patriots and, at the same time, to sabotage the policies of President Kuchma, extremely unpopular in Western Ukraine. Apart from obvious populism, the Lviv city council deputies were angry that a decision so symbolically important for the city was made in Kyiv by people evidently ignorant about the past and without consultations with the local community. Moreover, the Lviv city council felt it would be humiliating to submit to the pressure of the Polish side: the main Polish representative in the Lviv conflict, Secretary of the Council for the Protection of Struggle and Martyrdom Sites Andrzej Przewoźnik, was endowed with significant power, incomparable to the weak position of his Ukrainian counterpart.

The atmosphere was changed by a small group from Lviv's liberal intelligentsia: the former dissident Myroslav Marynovych, the editor of the cultural magazine *Ji* Taras Vozniak, the historian Yaroslav Hrytsak and some others who were critical of the rigidity of the city council as well as of Kyiv's lack of sensitivity. Having long-established contacts with Polish intellectuals and liberal politicians, they initiated an informal reconciliation on the local community level. On 1 November 2002, the Catholic religious holiday of All Souls, an informal meeting in the Ukrainian Catholic University was followed by a joint mass celebrated at

the Polish military cemetery by the cardinals of both the Roman and the Greek Catholic Churches (Hrytsak, 2004, p. 133). The event was planned as strictly informal – state officials from both sides were asked to remain among the attendees. Ecumenical services have become a tradition and are attended every year by both Poles and Ukrainians.

The conflict over the Eaglets' memorial in Lviv became a site of internal political struggle, first of all between the presidential administration, which tried to monopolize the symbolic capital of Polish–Ukrainian reconciliation, and its political opponents, particularly from Western Ukraine. While Kuchma needed the reconciliation to maintain his European image and reclaim the legitimacy of his regime after numerous scandals, his opponents denied his right as a former Communist *nomenklatura* member to represent the Ukrainian nation and apologize on behalf of it. Eventually the conflict was resolved, and the official reopening of the memorial took place in July 2005 under the auspices of Aleksander Kwaśniewski and the newly elected Viktor Yushchenko. That a compromise between the Kyiv and Lviv city councils was reached was certainly due to the high degree of support that the new president enjoyed in Western Ukraine.

At the same time, as a symbolic counterbalance to the impressive Polish memorial, the Ukrainian side started a major reconstruction and expansion of the neighboring Memorial to the Warriors of the Ukrainian Galician Army (see Photo 10.2). Not only have the old graves been renovated, but the remains of other Ukrainian fighters for independence from 1918 to 1950, most notably the UPA, have been reburied here. With the reburial of some military and political leaders of the ZUNR, the graveyard has become a kind of regional pantheon of national heroes, underscoring the legitimacy of the Ukrainian claim on Lviv. This counter-project corresponded with one of President Yushchenko's main political projects – the rehabilitation and heroization of the UPA as freedom fighters.

Pawłokoma 2006

Because of Yushchenko's engagement, the Lviv city council had finally agreed to concessions concerning the Eaglets' Cemetery, but it was still not happy about the final outcome. The common view of the city council and the local public was that the process should be reciprocal and the Ukrainian graves in Poland should be finally given proper attention by the Ukrainian state. An agreement from 1994 between Ukraine and Poland was supposed to regulate the restoration and maintenance of the graves of the victims of war and political repressions, and in

Photo 10.2 The memorial to the warriors of the Ukrainian Galician Army in Lviv.
Source: (© T. Zhurzhenko)

1999, it was supplemented by a list of 40 former Ukrainian settlements on Polish territory that required care. But very little work had been done, and that mainly by local Ukrainian activists. The conflict with the Poles taught the Ukrainians a lesson: the Polish state pursued national

interests in the issue of historical memory incomparably more efficiently than the Ukrainian government. The new, 'truly' Ukrainian president was expected to change this situation. Zenovii Siryk, secretary of the city council, noted in 2005:

> We had a state, but it was not Ukrainian . . . . We knew it was this bastard Kuchma, and we did not expect anything good from him. This was a stupidly un-Ukrainian central government . . . . We were on defence on two fronts: on the Polish and on the Ukrainian one. Now we have a new central government, to whom we should pass the relay. And we are ready to help.[4]

One condition of the compromise on the Eaglets' Cemetery was that the Polish side would agree to the construction of a Ukrainian memorial in the village of Pawłokoma, site of the massacre of more than 300 Ukrainian civilians. Situated 40 km from the Polish–Ukrainian border, Pawłokoma today has 500 residents, all of them Poles. But before the war it had a population of 1200, about 900 of them Greek Catholic Ukrainians. In March 1945, when the Soviet front had already passed, a unit of Polish partisans shot 365 local Ukrainians dead. The massacre was reported in detail by Petro Potichnyj, a Ukrainian émigré historian and UPA veteran, in his book on his home village Pawłokoma (Potichnyj, 2001). As in many other cases the Polish version of this event is rather different: the local historian Zdzisław Konieczny argues that the massacre was retaliation for numerous killings of Poles from Pawłokoma and neighboring villages committed by the UPA (Konieczny, 2000).

In the early 1990s local Ukrainians and activists from the *Nadsiannia* association of Ukrainian expellees in the Lviv region made the initial attempts to tidy up the neglected Ukrainian cemetery and erected three metal crosses. These first actions faced the resistance of the Dynów district authorities and the local residents, but after some years the annual memorial mass on the former Ukrainian cemetery has become a tradition. As Pawłokoma was officially chosen as the next station in the process of Ukrainian–Polish reconciliation, the surrounding territory was put in order and a new granite memorial was installed, listing the names of the Ukrainian victims (see Photo 10.3). On 13 May 2006, the memorial was inaugurated in the presence of Viktor Yushchenko and Lech Kaczyński. The word 'crime' (in singular, referring only to the particular case of Pawłokoma) was used by Kaczyński in his speech. Shown on Polish TV, the ceremony drew attention to the fact that, at the time, the Poles were not only the victims, but in some cases also

Photo 10.3 The memorial to the Ukrainian victims in Pawłokoma.
Source: (© T. Zhurzhenko)

the perpetrators. As the first officially inaugurated monument to the Ukrainian victims on Polish territory, it is of great importance for Polish society and the Ukrainian community in Poland.

The Pawłokoma commemoration could only happen because the image of the Ukrainians had improved significantly after the Orange Revolution, and the Poles had high expectations for Yushchenko. Moreover, the two presidents enjoyed a very good personal relationship and shared similar ideological views. Still, this reconciliatory act was certainly not easy for Lech Kaczyński, whose Catholic and nationalist electorate was not happy with the idea of Polish guilt. As a concession to the Polish nationalists, a memorial cross to the local Polish victims was installed near the new Catholic Church (see Photo 10.4). While the inscription on the Ukrainian memorial is not at all explicit about the perpetrators, saying that the victims 'tragically lost their lives in the village of Pawłokoma on 1–3 March 1945', the inscription on the Polish memorial reads as follows: 'To the memory of the Poles, residents of the village Pawłlokoma, who in 1939–1945 suffered death from Ukrainian nationalists.' Thus, the memorial site, designed to demonstrate the

Photo 10.4 The memorial to the Polish victims in Pawłokoma.
Source: (© T. Zhurzhenko)

good will of the Polish and Ukrainian nations for reconciliation and forgiveness, in fact reproduces the two incompatible national narratives of suffering. No wonder that the Ukrainian activists and local politicians in Lviv perceived the Polish memorial cross as yet another humiliation. In order not to irritate the Ukrainian guests, the words 'suffered death from Ukrainian nationalists' were covered during the official ceremony with a stripe in Polish national colors.

Huta Pieniacka – 2009

The next station in the Polish–Ukrainian reconciliation process became Huta Pieniacka, in the Lviv region (Brody district), a village where on 28 February 1944, about 1000 Polish inhabitants, almost the entire population, were murdered. The official commemoration of the 65th anniversary of the massacre was organized by *Stowarzyszenie Huta Pieniacka*, an association of survivors and their descendants. Meant to demonstrate the continuing process of reconciliation between the two nations, the event was officially attended by presidents Lech Kaczyński and Viktor Yushchenko. However, even more than in the Pawłokoma

case, the commemoration revealed hidden controversies and unsettled questions.

In the late 1990s the Head Commission for the Prosecution of Crimes against the Polish Nation conducted thorough research on the massacre of Huta Pieniacka, interviewing 80 witnesses and studying archival documents. The Commission concluded that in light of the established facts 'there is no doubt that the 4th battalion "Galizien" of the 14th division of SS[5] committed the crime.'[6] Ukrainian historians usually deny the direct involvement of the SS Galizien or any other Ukrainian units in the crime.[7]

An initial memorial to the massacre of Huta Pieniacka was erected during the Soviet era; the official narrative condemned the Nazis and Ukrainian collaborators for this crime. As early as the 1990s, Polish activists installed simple metal crosses here. In early 2005 a new Polish memorial was erected at this site, though without consultations or the official permission of the local Ukrainian authorities. The planned official commemoration of the 65th anniversary of the massacre stirred up a wave of emotions in Lviv. At the roundtable 'Huta Pieniacka: truth and fiction' held in 2009 in Lviv, local historians, civic activists and politicians spoke about the necessity of official excavations and further research before any version of the story could be legitimized as the final truth.[8] Some local politicians saw the commemorations as yet another attempt by the Polish side to impose its vision of history on the Ukrainian nation. Rostyslav Novozhenets and Ostap Kosak, the BYUT deputies to the regional assembly, required the Polish side to officially disclaim Ukrainian responsibility for the massacre before the official meeting of the Ukrainian and Polish presidents. They argued that under such circumstances an official visit of the Ukrainian president to Huta Pieniacka would damage the political image of Ukraine and legitimize the illegal construction of the memorial by the Poles. More sober and pragmatic voices, however, stressed that each side has a right to commemorate its dead and that the massacre of Huta Pieniacka was an undeniable crime.

The most aggressive position was taken by Svoboda, a right-wing nationalist party, which had gained popularity among the radicalized part of the local electorate frustrated by Yushchenko. Svoboda went so far as to demonstrate against the official commemoration in close proximity to the memorial and simultaneously with the event. During Kaczyński's speech the radicals tried to disturb the ceremony by loudly singing the Ukrainian anthem. The fact that some Svoboda deputies in the regional council were from the Brody district might provide an

additional explanation to this populist action. As reported by the news agency Zaxid.net, local Svoboda activists from Brody installed an information board not far from the memorial in Huta Pieniacka with the their own interpretations of the events. The inscription stressed that 'during the Second World War Huta Pieniacka was one of the largest bases of Polish guerillas and Bolshevik saboteur units in Galicia, which jointly terrorized nearby Ukrainian villages.' It further claimed that Huta Pieniacka was 'destroyed by German occupation authorities during a military operation' and that 'in the beginning of the 1980s Soviet–Polish propaganda disseminated a false version claiming that the annihilation of the village was done by the SS Galizien and OUN–UPA fighters.'[9]

Despite all these controversies and obstacles, both Yushchenko and Kaczyński came to Huta Pieniacka and spoke about the need for reconciliation over a difficult past. The questions of the identity of the perpetrators and of responsibility were not addressed; according to Viktor Yushchenko, both Ukrainians and Poles fell victim to the massacre. Kaczyński emphasized that the tragedy of Huta Pieniacka would not have happened 'without the permission and inspiration of third parties – two murderous totalitarian states' that led to a situation in which two nations oppressed by them 'became hostile towards each other'.[10] After the commemoration in Huta Pieniacka, Yushchenko and Kaczyński laid down wreaths at the memorial to the Ukrainian victims of the NKVD in the nearby Brody, thus demonstrating their common view on the Communist past. From Kaczyński's side, this was also a demonstration of solidarity with Yushchenko, whose politics of memory proved to be unpopular in Ukraine. Lech Kaczynski, too, was facing criticism in Europe and at home. The commemorative event in Huta Pieniacka was one of the last meetings of two political losers, who stayed faithful to each other and to their ideological commitments.

Conclusion

The collapse of Communism created good preconditions for Ukrainian–Polish reconciliation. For the first time in the long common history of Poles and Ukrainians, the Polish elites supported Ukrainian independence, while the Ukrainian society ceased to be anti-Polish. Both Ukraine and Poland are *status quo* states that do not seek border changes, and they have a common interest in European integration and security. Borrowing from other European reconciliation models and policies of pardon, pro-European political actors in both countries have shifted most of the responsibility for the past conflicts to the Communist

regime. But reconciliation is a mixture of normative politics and pragmatism and a multilayer process which includes not only presidents and parliaments, but also civil society and local communities. It is also a dynamic field where various interest groups perform their own politics of memory and often profit from re-enacting the conflict-ridden past.

The case of Lviv is particularly illuminative because of the ambivalent role that regional elites, municipal authorities and local politicians play in the reconciliation process. While using positive symbols and inclusive narratives of the past for developing cross-border cooperation and international promotion of their city or region, they re-activate conflictual collective memories with the aim of boosting local patriotism, provoking central authorities, securing electoral victory or compromising a rival. Such historicization strategies often draw on the social frustration of the local population and its feelings of injustice and discrimination related to domestic or international developments. Utilizing and challenging the power asymmetries between Poland and Ukraine, Kyiv and Lviv, Ukraine and Russia, Ukraine and the EU, 'commemorative entrepreneurs' seek to legitimize the desired change of the dominant memory regime.

Recent memorialization initiatives demonstrate that while satisfying a basic human need to honor those who suffered and died as a member of a particular community, memorialization often crystallizes a sense of victimization and exclusion of the 'other'. At the same time, it creates a new transnational space for debates, negotiations and the search for historical truth.

Acknowledgments

I am grateful to Yaroslav Hrytsak, Vasyl' Rasevych, Sofia Dyak, Ihor Balyns'ky and other Lviv colleagues for sharing their knowledge with me. Research was supported by the Austrian Science Fund (FWF) [Project nr. V75-G14] and conducted with the assistance of the Center for Urban History in Lviv.

Notes

1. The Greek Catholic (Uniate) Church was established in 1596 by the Union of Brest and maintains allegiance to Rome while preserving the Eastern Orthodox rites.
2. As no words of apology were spoken in Pavlivka, the Polish side was disappointed. The democratic opposition in Ukraine criticized the reconciliation 'from above', deploring that the 'need for reconciliation was declared by a

president, known for numerous political scandals, harassing the opposition and very low popularity' (Hrytsak, 2004, p. 134).
3. Since the local elections in October 2010 the radical nationalist party 'Svoboda' has dominated the Lviv city council.
4. 'Ukrains'ki mohyly v Pol'shchi', *Lvivs'ka gazeta*, 7 July 2005.
5. This division was made up mainly of Ukrainian volunteers from Galicia.
6. 'Investigation into the crime committed at the village of Huta Pieniacka', 2003, http://www.ipn.gov.pl, accessed 8 August 2011.
7. See the roundtable 'Huta Pieniacka: Nazi traces of the Polish tragedy of 1944', *Den*, 28 February 2009.
8. 'Vcheni initsiiuiut' arkheologichni rozkopky na mistsi znyshchenoho sela Huta Pieniacka', 29 October 2009, http://ostro.org/news/article-73309/, accessed 8 August 2011.
9. 'Svoboda vstanovyla u Huti Pieniackiy na Lvivshchyni stend pravdy', 1 March 2010, http://www.zaxid.net, accessed 8 August 2011.
10. 'The President: We want to restore the truth concerning the events', 28 February 2009, www.president.pl, accessed 8 August 2011.

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11

Memory of the Soviet Union and European Norms on Diversity as Rival Frameworks for Ethnic Boundary Making: A Case Study in Latvia's Russian-speaking Schools

Pascal Bonnard

While the end of the Second World War marks the victory of the Allies over Nazi Germany, it also signifies the establishment of Soviet power in Latvia. Since the fall of the Communist regime in 1991, 'Latvian' and 'Russian' political entrepreneurs in Latvia have mobilized the memories of the conflict and the regime established after the war with a view to forming groups.[1] Their objective is to give meaning to individuals' memories of that period by creating a coherent and unified representation of the past, having it recognized as being true and having it shared by the largest number of people. As a result, they produce sharply divided representations that set those who see the Second World War as a period rallying all anti-Fascist forces and leading to a 'liberation' against those for whom the conflict marks the loss of independence and opens onto a 'double occupation'.

The matrix of the first interpretative framework is the ideological account of the 'Great Patriotic War' produced by the Soviet authorities, which retains a strong intensity in individual memories. The second account draws on the memories of the repressions that – sublimated, standardized and validated by the independent Latvian authorities – are now the country's official narrative on the period. Through the ethnicization of political issues and struggles (it is legitimate to make claims based on ethnicity, and political competition is generally described as

opposing 'Latvian' and 'Russian' parties),[2] this double framework is translated into an ethnic divide between 'Russians' and 'Latvians', leading to a 'war of memories'. According to this pattern, 'Latvians' are said to bemoan the loss of independence induced by the outbreak of the Second World War and to have collectively suffered from the Soviet period, while 'Russians' are supposed to be proud of the victory over Fascism and to show nostalgia for the Soviet Union. These memories of the conflict thus establish a dichotomous ethnic classification.[3]

European standards for diversity and the protection of minorities aim to promote the recognition of a plurality of social identities, requiring in particular that member states respect 'the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion' and 'to manifest his or her religion or belief and to establish religious institutions, organizations and associations' (Council of Europe, 1995, para. 7 and 8). From this perspective, the recognition of diversity allows for conciliation between several groups. This framework is mobilized by political entrepreneurs to assert a classification distinguishing Latvians, Russians, Belarusians, Ukrainians, Poles, Lithuanians, and so on, as opposed to the dichotomous classification originating from the memories of the Soviet period.

The European standards relating to minority rights and the promotion of diversity, on the one hand, and the memories of the Soviet period, on the other hand, thus produce two distinct modes of classification. A mere analysis of the way political entrepreneurs utilize these frameworks in their symbolic work on the representation of groups does not, however, illuminate how ethnicity is effectively shaped by such narratives. The memories of the Second World War and the European standards on diversity and minority rights are not just abstract discourses; they also constitute practices that are not simple reproductions of the spokespersons' symbolic work on representation. Sticking to addressing the possible gap between ordinary practices and elites' discourses would be insufficient. It is necessary to analyze the connection between these two practical operations of classification; that is to say, to study how the interpretive frameworks created by representatives organize individual experience, thus giving it meaning, and are mobilized by 'ordinary' people.

The analysis of the implementation of these frameworks and their effects thus requires a study of concrete and ordinary practices. This is what this chapter intends to do through an analysis based on interviews conducted and observations made in Russian-speaking schools in Riga. The Latvian educational system is roughly divided into two groups,

one teaching in the Latvian language (hereafter 'Latvian schools') and the other teaching bilingually in Latvian and Russian (hereafter 'Russian schools'). According to data from the Ministry of Education, 73 per cent of students enrolled at a Latvian secondary school in 2008–09 while 26 per cent attended a Russian establishment (the remaining 1 per cent being mostly students of Polish schools) (Latvian Central Statistical Office, 2009). The number of Latvian schools had greatly decreased during the Soviet period, from almost 80 per cent in 1945 to 52 per cent in 1989 (Mežs, 2005, p. 28). The first and second parts of this chapter, respectively, show how the memories of the Soviet Union and the European standards establish and legitimize the practical operations of ethnic classifications in present-day Latvia. The third part analyzes how these alternative forms of ethnic classifications may be put in competition or, on the contrary, may be reconciled.

The memories of the Soviet period as a source of a bipolar ethnic classification

In her analysis of Communist activists' memories, Marie-Claire Lavabre highlights the 'effects of belonging to a collective on the memories kept by individuals' (Lavabre, 1994, p. 18). An important distinction should however be drawn between a party and an ethnic group as regards the identification of the 'collective'. Because the former materializes through its offices, its leaders, and so on, it is much easier to grasp. By contrast, belonging to an ethnic group is not necessarily the product of a conscious and voluntary process, but rather results from membership claims and imputations, from endo- and exo-definitions (Poutignat and Streiff-Fenart, 2005, pp. 159–63). Belonging to a 'Latvian' or 'Russian' ethnic group is nonetheless also associated with specific memories, as will be shown with respect to the Second World War and the Soviet period.

Students of Russian-speaking schools are commonly designated as 'Russians' while students of Latvian schools are referred to as 'Latvians'. This is not only true for Russian spokespersons (who, as expected, want to stand for the largest group as possible); it is also common among Latvian representatives. Thus, while noting that students with different backgrounds study in Russian schools, a delegate from a Latvian nationalist party believed that it does not really matter:

> The Russians continue to organize Russian schools and everyone goes there, studies there. Ukrainians, Belarusians, Georgians . . . whoever, [they study] in Russian.[4]

The term 'Russians' here refers to all students of Russian schools, regardless of their origin. Tabūns claims that if an individual (or her parents) moved from Russia to Latvia during the Soviet period and kept an emotional attachment to the Soviet Union, they should be considered as part of the Russian community:

> Ideologically, they are still people from the Soviet Union, especially the students to whom this hatred [of Latvia] has been transmitted.

The correlation established between memory and ethnicity is clearly revealed here. Sharing certain memories is not only the mark of a specific belonging, but also a means of circumscribing group boundaries.

Memory as 'indication' of ethnicity[5]

Attendance at a Latvian or a Russian school generates different representations of the past, and this divergence is particularly sharp with regard to the Second World War and the Soviet period. The study on *The Presentation of Controversial Issues in 20th Century History in Latvian Schools and Museums* indicated that 62 per cent of students in Russian schools thought positively of the Soviet period in Latvia, whereas the majority of students in Latvian schools considered it negatively (Makarovs and Boldāne, 2009, pp. 10–12). The discrepancy was even more pronounced concerning judgments on the Second World War: 62 per cent of students in Latvian schools considered that the Soviet troops 'occupied' Latvia in 1945, while only 5 per cent were of the same opinion in Russian schools (where 65 per cent thought that the Red Army 'liberated' Latvia).

According to the same survey, schools would be the main source of historical information, followed by relatives and the media. The reproduction of distinct memories at school is partly due to the fact that the teaching of history differs according to the institution. Although in theory, all schools are required to follow the same program, in reality the practices vary and this affects the teaching content. As one history teacher explained:

> When perestroika took place, I felt a lot of stress inside me . . . I had to talk about collectivization, the collectivization in the Ukraine. Before perestroika, there was an account about collectivization in the Soviet era. And then I read another account about collectivization, in which people were dying one after the other, I read how it unfolded, what famine there was in the Ukraine, etc. I started to feel very bad. My 'internal programming' fell apart. It was built on a childhood

> spent as a Pioneer and a Komsomol. [...] It really was not easy for me. I think it was the same for a lot of teachers.[6]

This teacher then admitted to sometimes taking liberties with the textbook content and official program. These differences also stem from the fact that the shortage of Russian-language textbooks sometimes forces teachers to resort to Russian or even Soviet textbooks. The Soviet-era memory of the Great Patriotic War has also been maintained, for example, by the distribution of a textbook on *The Foundations of the Russian Culture* in 2006 or by the broadcast of a DVD on the Second World War called *Victory Day – Our Party! Let Us Remember, Honor, Be Proud* in 2008. These educational resources are intended to challenge the authorities' account of the Soviet period and are in fact strongly criticized by Latvian politicians who denounce attempts to rehabilitate Stalin and justify the occupation of the Baltic states.

Memories of the Soviet Union, attendance in Russian schools and (auto- and exo-) identification as Russian are thus assimilated. However, this equivalence is not only the result of the transmission of explicit content. It is enacted by practices and is reinforced through their regular use. The account of the past in which the Latvians were collectively victims of the Soviet period, the latter being associated with the Russians, was a driving factor of the mobilizations for independence.[7] After 1991 it also inspired a set of policies of 'decolonization' (people who settled in Latvia during the Soviet period and their descendants were deprived of citizenship, Latvian language proficiency tests were introduced, teaching of Latvian was intensified in Russian schools, etc.) that gave rise to Russian collective mobilizations.[8] These tensions are reflected in the schools:

> It seems to me that the Latvian nation was deeply humiliated during the Soviet power. They cannot collectively forgive and now there are many [official] decisions that are based on the fear of the Russian diaspora. These decisions are not always thought out; it is simply 'Ah, if only there were no Russians' and that is it. And that is why something else is happening now, the humiliation of the Russian nation. I speak with my colleagues, friends and this is how it actually seems to me ...[9]

She later explained that some teachers express a rejection of the Latvian language and transmit this to their students. The memories of the Soviet Union have thus crystallized a binary opposition between 'Russians' and

'Latvians' in practices. There is a continuum between memories of the Second World War and the Soviet Union on the one hand and ethnicity on the other hand.

Memory as a 'criterion' of ethnic categories

Noting the contiguity of the ethnic divide between Latvians and Russians with the divergence, or even the antagonism, of their memories is, however, insufficient. There is more than a simple coincidence between belonging to a given group and having common representations of the past: sharing the same memory is in fact a criterion from which a distinction can be drawn between 'insiders' and 'outsiders' of an ethnic group.

Russian spokespersons behave like true 'memory entrepreneurs', producing an account of past events and trying to promote and disseminate it, especially within schools. The textbook and the film mentioned above were made under the initiative of two elected officials from a 'Russian' party. Their purpose was not to conduct a work of historical research; it is a 'performative discourse, which aims to impose as legitimate a new definition of the frontiers and to get people to know and recognize [... the ethnic group] that is thus delimited in opposition to the dominant definition, which is misrecognized as such and thus recognized and legitimate, and which does not acknowledge [... that ethnic group]' (Bourdieu, 1991, p. 223). The mobilization of representations of the past is intended to enforce a classification based on the memories of the Soviet period and the Second World War.

The justification of the renovation and restoration of Soviet soldiers' graves led by associations, which mainly involves high school and university students, provides an excellent example of this mobilization. One of the organizers of these events, Janis Kuziņš, was quoted in a Russian-speaking newspaper as saying that the real heroes in Latvia were those who fought in the ranks of the Soviet army, not the veterans of the Latvian Legion.[10] This point of view radically contradicts the Latvian official account of the Second World War. At no time was Kuziņš's Latvian origin ever mentioned, even though he had a Latvian name. This was no accident: reporting this statement from a person of obviously Latvian origin, and who will be taken as such by readers, while deliberately overlooking this feature although the newspaper is known for its commitment to 'Russian-speakers', has the effect of highlighting a distinction based on the memories of the Second World War. This aims to form a community based primarily on an interpretation of the past, and not on origin, despite the fact that this divide will later be

summarized through a division between 'Latvians' and 'Russians' (or 'Russian-speakers').

These conflicting images of the past are used to draw a line between ethnic groups. The strongly divided representations of the Soviet past and the Second World War lead to a bipolar ethnic classification: an individual is considered 'Latvian' or 'Russian' if he or she shares a given memory of these periods. Therefore, expressing adherence to these common myths is to a certain extent a requirement for group members. The meaning of events is thus irreducibly contingent and controversial.

European standards on diversity as a competing framework: Legitimizing a classification by origin

The origin of individuals may also shape the ways in which ethnicity is attributed or claimed in school. This criterion stems from the institutionalization of ethnic and national belongings by the Soviet nationality policy, which has been perpetuated in Latvia after independence. The European standards relating to the promotion of diversity that were gradually introduced have been interpreted so as to validate this criterion. This produces a new classification that encompasses many different ethnic categories and therefore competes with the former one.

Institutionalization of origin in post-Soviet schools' administrative practices

Ethnic and national belongings were subject to a double institutionalization during the Soviet era, both personal through their inscription in identity papers (this data appeared in the 'fifth line' of the passport) and territorial because of the connection established between each republic and an ethnic population (the Latvians were thus designated as the 'titular' population of the Socialist Republic of Latvia). Paradoxically, the Soviet project of constructing a socialist society therefore contributed to the validation of ethnic and national belonging as an operative criterion of identifying oneself or others and framing actions (Brubaker, 1996).[11] This policy has left an important legacy. The new political elites made the definition of a territory as the birthplace of a given population (i.e. the Latvians in Latvia) a key factor of the legitimacy of states established after the breakup of the Soviet Union, and ethnic belongings were made public in statistical and administrative practices.

Thus, the questionnaire transmitted early in the year to school administrations by the Ministry of Education in order to obtain information on their activity (number of students, distribution of teachers by level,

etc.) includes a question on the students' ethnicity. The governmental regulation providing for this practice does not explain how these data are to be collected; it seems that the most common practice is to refer to what is indicated in the students' birth certificates. These, however, do not refer to the child's ethnicity, which is not fixed until the age of 15 (the age when one obtains a passport), but instead to those of their parents. Arguing the necessary compliance with European Union data protection laws, the Ministry of Education declared in 2004 that collecting students' ethnicities was incompatible with the standards required by anti-discriminatory policies in force in the European Union (Golubeva, 2006, pp. 23–4). Although it became optional, the practice has nevertheless continued – according to a civil servant of the Ministry of Education, less than 10 per cent of schools do not provide data on the subject. Thus schools continue to identify their students' origins and to make them public. This classification does not set the Latvian group against the Russian group, but distinguishes a multitude of categories listed in alphabetical order (there are ten categories in the questionnaire and the list is open-ended). This gives a very different image from the one produced by the memories of the Soviet period.

Transfer of European views on diversity in Russian schools

European institutions see schools as the best field of action for spreading their standards concerning the respect of minority rights and the recognition of diversity. These standards have been gradually introduced in Latvia, first through scientific studies and then through educational documents produced by the Ministry of Education and the Secretariat of the Special Assignments Minister for Social Integration. Educational teams from Russian schools have also implemented activities aimed at promoting ethnic diversity and labeled them as 'multicultural' in reference to European standards in this area. The project 'The Round Dance of Cultures' organized by a Russian school in the spring of 2007 is a good example of this trend. Located in the center of Riga, and therefore attended mainly by students from privileged backgrounds, this school was a pioneer in introducing bilingual teaching methods in the 1990s.

The project consisted of a series of works prepared by the students on different European countries that were presented in an exhibition, a concert and a show of so-called traditional dances and songs, as well as a tasting of culinary specialties. The assistant principal who was responsible for organizing the event says that the idea came to her upon seeing the title of a conference prepared by the University of Latvia in

anticipation of the European Year of Intercultural Dialogue. The slogan chosen for the event – 'Our strength is in our diversity' – is very close to the motto of the European Year of Intercultural Dialogue, 'Together in Diversity' (European Commission, 2008). This shows that a transfer of European discourse actually took place. The initiative met with strong interest, as was shown by the support the school received from foreign embassies (some delegates were present at the closing ceremony, which was even attended by two ambassadors). Similarly, the broad media coverage was very unusual for a school party: two televised specials, a radio program, a newspaper article and an article on an educational website reported on the project.

Although this may seem to be a successful example of transfer, there is a good amount of tinkering in the process. Irma Jufko summarized the notion of 'intercultural dialogue' through the somewhat curious neologism of 'multiculture' [*mul'tikul'tura*] and highlighted:

> Of course we hear these words ['multiculture', 'diversity'] everywhere in the Ministry of Education's programs, but no one will prepare instructions, methods for us. We do it all alone.[12]

Yet educational resources do exist, even though observers emphasize that they are insufficient and that schools are not well informed of them. However, their scarce use cannot be explained only by their weak number or with the lack of information about them. When asked about the presence of educational resources or documents prepared by ministries for teaching diversity, one school principal replied:

> We have to look in the library to see if there is anything, I cannot say. In fact they make beautiful statements at the ministry, but as far as actually applying it, some work remains to be done …[13]

Her assistant later found such documents in the library, while noting that this type of resource is little used by teachers. Beyond the issue of accessibility to knowledge and best practices thus also arises that of their relevance to teachers' concerns and to their professional practices.

Therefore, the transfer that takes place is obviously neither a diffusion of clearly identified theoretical knowledge nor an application of well-stabilized best practices. The interest for diversity and multiculturalism of the school that organized 'The Round Dance of Cultures' is more the continuation of past practices:

– When did you start paying attention to multiculturalism, to diversity?
– You know, in about . . . 2001–02. Because in the years 1994–95 we were busy with bilingual education and naturally when you study this issue from the psychological, socio-linguistic point of view, you understand that it is one of the opportunities that is a platform for multicultural education, multicultural teaching, learning of languages. The way I see it, it was a logical step, the next item. To be more precise, they are two items of the same nature.[14]

This event was not the scrupulous implementation of a foreign model that had been imported; it was rather inspired by older concerns and practices that were reframed with the transfer of the European discourse on diversity.

The validation of a classification by origin

This discourse on diversity induces an ethnic classification based on origin. For 'The Round Dance of Cultures' project, students worked on Armenia, Azerbaijan, Belarus, France, Georgia, Latvia, Lithuania, Poland, Russia and the Ukraine. These countries were chosen because the students in class were of the corresponding origins, these origins being known through the statistical practice of collecting ethnicity.[15] Thus the event, which was labeled as 'multicultural', was actually based directly on the Soviet-style management of ethnic and national diversity. This again illustrates the 'complex relationships between old and new and between the inside and the outside' (Bayart, 2005, p. 68). Paradoxically, 'new' European standards on diversity are seemingly reinforcing and legitimating 'old' Soviet practices.

The link with Soviet practices is also reflected in the maintenance of a reified and substantialist conception of ethnic belonging. The teachers asked to supervise the projects by country were primarily individuals of the origin in question and the students were likewise invited to work on their 'native ethnicity'. In the project's actual development, the association of each student to an origin was not systematic and was ultimately of limited importance for the conduct of the exercise. The teacher responsible for a project on Lithuania explained that the children of Lithuanian origin from other classes had the opportunity to join the group, but without being obliged. She finally praised the educational dimension of the exercise, rather than its aim of promoting origins.[16] Yet, the project was indeed guided by a substantialist conception of belongings, which ascribes each student to his or her origin. The

school principal believed that the event fulfilled its objective because 'we have turned the students' gaze to their roots'.[17]

The European discourse on multiculturalism and diversity paradoxically brings a new legitimacy to an ethnic classification founded on origin. Unlike the classification induced by memories of the Soviet period, it does not lead to opposing Latvians and Russians, but to distinguishing multiple groups whose coexistence is sought.

Competition, hybridization and superposition of classifications: Promotion of rootedness and respect for traditions

Memories of the Soviet period and European diversity standards therefore provide two alternative frameworks for developing ethnic classification. These two frameworks are connected: they are put in competition (in order to impose the rule of origin on memory), reformulated (so as to challenge the hierarchy between them) or combined (so that they can both exist simultaneously). The modalities of their expression define the different ways of making ethnicity.

Multiculturalism against memories of the Soviet period

What ultimately prevails in the classification built around the criterion of origin and reactivated by European multiculturalism is the emphasis on the transmission of ancestors' memories, on the respect for elders. A journalist who made a radio broadcast on 'The Round Dance of Cultures' interviewed some students who had worked on their country of origin and congratulated one of them:

> You are a remarkable girl! You know your roots all the way to your great-grandfather! Whereas people today often don't even know their grandfathers' and grandmothers' names, where they were born and where they lived.
>
> (*Latvijas Radio Četri*, 3 March 2007)

The suspicion of being cut off from one's origins is utterly demeaning in post-Soviet states; the insulting term '*mankurt*' is used to mock a person who is said to have lost this link. This qualification is particularly employed against minority populations, which have mainly settled in Latvia during the Soviet period. To challenge this, leaders of minority groups try to show that they have retained an attachment to their origins and seek to strengthen this link among students.

This is clearly the purpose given to 'The Round Dance of Cultures' by the school principal and recognized by commentators. One newspaper reported the following comments of the Ukrainian ambassador at the ceremony:

> In Latvia, as in any multinational country, it is very important to understand other cultures, without losing your own national identity. Such projects help to get more closely acquainted with their ethnic homeland and to strengthen this thread that binds them [the students] to it.[18]

The purpose is basically to distinguish oneself from the *mankurts* by attesting an attachment to one's roots. A classification by origin that emphasizes the existence of a plurality of ethnic categories and tends to disqualify the bipolar classification produced by memories of the Soviet period is thus promoted.

Rehabilitating memories of the Soviet period: Honoring the fathers

Some practices strive to challenge the equation between an heir of the Soviet period and an individual without memory. The commemorations of Red Army soldiers killed during the Second World War use the same form of ancestor promotion as events centered on origins. On 9 May, which marks the end of the conflict in Eastern Europe, a large number of families visit the monument built in Riga during the Soviet era in honor of the 'liberators' and lay flowers on the slab. Tributes are made to the fathers and grandfathers who fought and sacrificed themselves to liberate the country from Fascist troops (Morkans, 2011). According to the speeches that are given on that day, the glorious memory of the victory over Fascism, which should especially be maintained among children, makes people respectful of their elders, committed to honoring the memory of their ancestors and united to one another. These values are intended to reinforce the legitimacy of a 'Russian group' constituted by shared memories of the Second World War: its members are not simple *mankurts*, but people brought together by representations of the past and common values. These discourses and practices are put into action as an alternative account aimed at resisting the disqualification of the classification based on memories of the Soviet period.

Combining the two languages: The Russian-speaking plural scheme

One journalist, when describing 'The Round Dance of Cultures', made the following observation:

> Many different languages can be heard in the auditorium where the event takes place. Yet that does not make it complicated to

> understand each other. This is because the Russian language unites them all.[19]

The remark is symptomatic of the way some Russian political entrepreneurs think about ethnic diversity. Rather than favoring either the criterion of origin (which implies rejecting the term 'Russian-speaking') or that of language practice (which means denying all relevance to origin), these leaders combine both: individuals are included in a common category ('Russian-speakers') on the basis of the language spoken, while their specific ethnic origins are recognized.

This equation is common among Russian schools. In fact, according to the Ministry of Education's data, one-third of pupils in Russian-speaking schools were not of Russian origin in 2006–07 (Latvian Education Ministry, 2007). These institutions are not designated as having to specifically teach students of Russian origin (unlike non-Russian minority schools, where their principals prioritize first and foremost the children of corresponding groups). They traditionally welcome most children from minority populations and the presence of students of different origins is rather a source of pride, even if this diversity is seldom taken into account on a daily basis.

Conclusion

The connection between 'identity' and 'memory' is not merely an abstract link[20]: the representations of the past are mobilized by individuals to organize the world around them, to determine their place within it and to act, notably through the elaboration of ethnic classifications. The divided construction of memories of the Soviet period and the Second World War tends to oppose 'Russians' and 'Latvians', while the reference to origins leads to distinguishing a plurality of 'groups'. The transfer of European standards regarding minority rights and the promotion of diversity has helped to legitimize this second framework. This unexpected effect of the introduction of the European legal system clearly shows how classifications may evolve. These two classifications are confronted in the struggles for representation aiming 'to impose the legitimate definition of the divisions of the social world and, thereby, to *make and unmake groups*' (Bourdieu, 1991, p. 221). They are sometimes put in competition, sometimes superimposed.

Studying school practices gives a better understanding not only of public policies and political representatives' activities, but also of individual identifications. This chapter has shown that ethnic classifications are not only produced consciously through formal discourses (usually

from institutional actors), but also in a more disseminated way through ordinary practices. The analysis of the connection between these different levels requires further development, bearing in mind that not all actors have the same chances to see their operations of categorization recognized as legitimate. Nevertheless, ethnicity is not correlated either to origin or to memory: other boundaries can be drawn, and one property (such as ethnicity) does not systematically determine practices and representations (such as memory).

Notes

1. 'Political entrepreneurs' are defined as 'those who are shaping possible groups, latent interests' (Offerlé, 2002, p. 56).
2. The radical For Human Rights in United Latvia coalition and the more centrist Harmony Center party are deemed to stand for the Russian(-speaking) populations. Although their qualification as 'ethnic' is more discussed, most other parties (For Fatherland and Freedom/LNIM, but also New Era or the Union of Farmers and Greens, etc.) are said to mainly represent Latvians.
3. This approach favors an analysis of groups through the production and maintenance of their boundaries (Barth, 1969).
4. Pēteris Tabūns, personal interview with the author, 3 May 2007.
5. The 'indications' just 'inform' about someone's possible ethnicity, while the 'criteria' 'determine' it (Poutignat and Streiff-Fenart, 2005, pp. 164–6).
6. Personal interview with the author, 26 March 2007.
7. The most significant event is the human chain that was formed from Tallinn to Vilnius for the 50th anniversary of the Molotov–Ribbentrop Pact at which, on 23 August 1939, Nazi Germany and the Soviet Union had divided shared territories between them.
8. According to the 1998 Education Law, all secondary schools had to make Latvian their sole language of instruction from 1 September 2004. Political protests and external criticism, however, forced the government to amend the law (Silova, 2006).
9. Svetlana Šibko-Šibkovska, personal interview with the author, 2 April 2007.
10. *Vesti Segodnya*, 5 April 2008.
11. National as well as ethnic belongings were institutionalized – which makes it sometimes difficult to distinguish between the two of them. Nationality refers to the membership in a nation, while ethnicity refers to the membership in an ethnic group. Unlike the representatives of an ethnic group, those of a nation are 'striving to make culture and polity congruent, to endow a culture with its own political roof, and not more than one roof at that' (Gellner, 1983, p. 43).
12. Irma Jufko, personal interview with the author, 30 March 2007.
13. Svetlana Šibko-Šibkovska, 2 April 2007.
14. Irma Jufko, 30 March 2007.
15. France's unlikely presence in the list is explained by the enrollment of two children of French diplomats in the institution. During the recording of '*tautība*' – a term translated here as 'ethnicity' and often translated as

'nationality' – both the nationality of a student whose parents were French citizens and the ethnicity of a student with Latvian nationality were thus collected. Nationality and citizenship do not overlap: one can be recognized as the national of a state, but not as its citizen (this is the case of those who are deprived of their civil rights), while non-nationals may be entitled as citizens (e.g. nationals of a European Union state have the right to vote in another member state for European and local elections). Citizenship refers to the membership in a polity.

16. Personal interview with the author, 19 March 2007.
17. Ludmila Krutikova, personal interview with the author, 12 March 2007.
18. *Čas*, 3 March 2007.
19. *Čas*, 3 March 2007.
20. Works studying how the memory contributes to forging national 'myths' tend to be reduced to this dimension (Schöpflin, 2000).

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12

Symbolic Policies versus European Reconciliation: The Hungarian 'Status Law'

Laure Neumayer

Since the end of the Cold War, painful historical events that could not be openly discussed during Communism have become more salient in public debates throughout Central and Eastern Europe. The border changes and forced population transfers that occurred after the First and the Second World War, and more specifically the plight of the civilians who experienced these traumatic events, have been one of the most contentious issues discussed in the new democratic regimes. The enduring tensions surrounding the situation of the Hungarian minorities are another striking example of the contemporary political consequences of these 'wounded histories'. The redrawing of Hungary's borders in the wake of the dissolution of the Austro-Hungarian monarchy, which resulted in the loss of a large part of its former territory and population,[1] is still portrayed as a 'historical injustice' by some parts of the Hungarian society and political leaders. This perception justifies 'symbolic policies' aimed at reinforcing the link with the diaspora, as was made clear as early as 1989 when the Hungarian Constitution was amended to include the following statement of support: 'The Republic of Hungary bears a sense of responsibility for the fate of Hungarians living outside its border and shall promote and foster their relations with Hungary.'

Because of Hungary's history of irredentism and of the ambiguous statements of some of its politicians,[2] the situation of the Hungarian minorities has been closely monitored by European organizations since the early 1990s. The main concern of the European Union (EU), the Council of Europe (COE) and the Organization for Security and Cooperation in Europe (OSCE) was originally to stabilize the former Soviet bloc through the diffusion of democratic standards. In the late 1990s, these

organizations developed a more ambitious policy aimed at 'reconciling' former adversaries by helping them to 'settle accounts with the past' and to deal with contested memories. Yet national symbolic policies repeatedly conflicted with European 'reconciliation policies' (Neumayer, 2007b). This chapter presents a case study of such an intervention in a history-rooted conflict, framed as an issue of national minority protection, which opposed Hungary to some of its neighbors (mainly Slovakia and Romania) between 2001 and 2003. The controversy started when the Hungarian parliament passed the Act LXII of June 2001 on Hungarians living in Neighboring States, often referred to as 'Status Law' from an earlier draft's title, designed to assist Hungarian minorities. After two years of fierce diplomatic debates, a watered-down version of this piece of legislation finally entered into force, only to become void when the neighboring states joined the EU.[3] Interestingly, this diplomatic conflict quickly reached the European level of government: the Parliamentary Assembly of the COE asked its advisory legal body to assess the conformity of the Status Law with international legal norms in July 2001. Simultaneously, the OSCE was monitoring the situation and providing its own analysis of the conflict. The EU, in contrast, tried to minimize its involvement in a dispute between three future member states over matters which were not part of the *acquis communautaire*, by deferring to the COE's legal analysis and calling upon the conflicting parties to find a *modus vivendi* in the name of reconciliation.[4]

The existing literature on the 'conditionality' imposed by the EU on the Central and Eastern European candidate countries prior to its enlargement has shown that the case of minority protection was very specific in two respects. First, the *acquis communautaire* was non-existent in that field when the EU decided to enlarge, and the standards which have been 'exported' to Central and Eastern Europe in the 1990s actually originate in the COE and the OSCE. Second, there is no consensus among Western European countries as regards the definition of national minorities and the legitimacy of their 'protection' through individual or collective rights (Hughes and Sasse, 2003). That is the reason why European agencies provided an *ad hoc* expertise that combined diplomacy and law through the promotion of 'good neighborly policy', intergovernmental dialogue and regional cooperation. This chapter argues, however, that these elements alone do not allow for a complete picture of the way European organizations tried to solve the Status Law dispute. It is suggested here that cross-references between the COE and the OSCE played a crucial role in the consolidation of notions and categories of analysis which are tenuous from a strictly legal point of view,

such as 'kin-minority', 'kin-state' and 'home-state'. Because the standards promoted by European organizations remained inherently vague, they allowed for a short-term solution to the dispute, but subsequent events showed that 'symbolic policy' still prevailed over 'reconciliation policy' in the relations between Hungary and its co-ethnics across the border.

This chapter is organized as follows. First, it puts the Status Law back in the context of Hungarian symbolic policies and the development of European standards for minority protection after the Cold War. Agenda-setting at the COE and the OSCE is then analyzed to show how the originally bilateral controversy quickly became a 'European problem'. The third part of the chapter underlines that the circulation of European standards between these European agencies was intrinsically ambiguous. At the international level, each organization interpreted these norms according to its own history, identity and resources, while at the national level politicians contested the 'European solutions' that they felt were being imposed on them.

'Nation policy' and minority protection: The Status Law in context

The Status Law exemplifies the discordance between 'symbolic policy' and European political and legal standards for state behavior. Despite the fact that it was presented by its Hungarian advocates as being perfectly in line with the philosophy of European integration, this piece of legislation was primarily perceived in the neighboring countries as an implicit reversal of the Trianon Treaty.

Hungary's relation to ethnic-Hungarians

Starting from the interwar period, the acceptance of the 'unjust Trianon Treaty' and the relationship with the diaspora has been an important feature of Hungarian domestic politics and foreign policy. The irredentist policy implemented in the interwar period ultimately failed in 1945. Later on, the post-war Communist governments barely mentioned the situation of the Hungarian minorities in neighboring states in keeping with the façade of socialist brotherhood. However, family and cultural ties to the Hungarian abroad endured and the protests against Ceauşescu's forced assimilation policy in Romania had a galvanizing effect on the opposition to the socialist regime in the late 1980s (Kántor et al., 2004). As of 1990, the successive Hungarian governments fully revived the issue of the ethnic-Hungarians in public discourses and

diplomatic efforts. An 'ethnonationalist' conception of the nation of a 'primordialist' nature, implying that the Hungarian nation spreads across state boundaries, prevailed over a 'civic' conception of a 'participative' nature, which defines the Hungarian nation as encompassing all the citizens of Hungary (Greenfeld, 1999).

Hungary introduced a triple-priority foreign policy, which consisted of three overlapping objectives: supporting co-ethnics living in neighboring states ('nation policy'); maintaining good neighborly relations; and joining the EU and NATO ('Euro-Atlantic integration'). Although these three policies were officially equal in status, finding a balance between them has been a challenge for every Hungarian government.[5] In order to fulfill their constitutional obligation toward co-ethnics, Hungarian leaders have simultaneously used the bilateral political level (including clauses on national minority protection in all the treaties they signed with neighboring countries)[6] and the multilateral forums (putting national minority protection back on the agenda of European organizations). A hierarchy developed which favored the 'nation policy' over the other sub-policies in the late 1990s, due to internal governmental preferences and to pressures from organizations representing the diaspora. It is worth noting that the impeding accession to the EU, and the fear that the Schengen regime would create a 'new Iron Curtain' which would effectively cut off Romania, Croatia and Serbia's Hungarian speakers from Hungary, was also a main justification for an intensification of Hungary's approach to its co-ethnics.

The policy instrument designed to strengthen the links with ethnic-Hungarians was a piece of legislation passed in June 2001, in a nearly unanimous vote, by the Hungarian parliament. This framework law was due to enter into force in January 2002. It granted special benefits to the ethnic-Hungarians living in Romania, Slovakia, Serbia, Slovenia, Croatia and Ukraine. The 'Status Law' was to provide access to higher education with the same conditions as Hungarian citizens as well as the possibility of obtaining temporary work permits in Hungary, which amounted to a privileged access to the Hungarian labor market and social welfare system. Families whose two children attended Hungarian-speaking schools in these countries were to receive a monthly subsidy. These benefits would be available to persons holding 'Certificates of Hungarian Nationality', essentially ethnic identity cards issued on the recommendation of Hungarian minority organizations located beyond the border. Although the law was meant to encourage ethnic-Hungarians to remain in their homelands, it made the bearers of these certificates legal subjects of Hungarian legislation as well as recognized members of the Hungarian

'nation'. According to the Hungarian authorities, this piece of legislation was perfectly in conformity with the philosophy of European integration because it sought to reduce the significance of territorial borders (Fowler, 2004). More specifically, its proponents argued that it conformed to European standards on national minority protection promoted by the COE and the OSCE.

European standards for minority protection

Since its creation in 1949, the COE has adopted a wide range of legal instruments in the field of human rights protection, most notably the 1950 European Convention on Human Rights and Basic Freedoms. After the dissolution of the Soviet bloc, this agency developed specific standards for national minority protection such as the Framework Convention for Protection of National Minorities adopted in 1995. But this text was the result of a difficult compromise between its member states, some of which have not signed, let alone ratified it (Benoit-Rohmer and Klebes, 2005).

The OSCE, created as a forum for East–West dialogue in the early 1970s, was given a mission of stabilization in post-Cold War Europe, which included addressing ethnic tensions. During the Cold War, the Conference for Security and Cooperation in Europe (CSCE)[7] had defended an 'individualist' conception of human rights attached to individuals rather than to groups. After 1989, the participating states repeatedly emphasized the respect of national minority rights as inherent to the promotion of democracy throughout the continent. Yet tensions quickly appeared between the promoters of a traditional conception of sovereignty represented by state rights, and some governments that urged to reformulate this principle in order to guarantee a full protection of national minorities. The Document of the Copenhagen Meeting of the CSCE, for example, stated that protecting 'the ethnic, cultural, linguistic and religious identity of national minorities' was necessary to guarantee 'peace, justice, stability and democracy' (CSCE, 1990, Title IV, para. 30) but failed to give a precise definition of the notion of 'national minority'. This fundamental ambiguity weakened the international legal standards subsequently adopted by the OSCE.

In 1992, the Dutch diplomat Max van der Stoel was appointed the first High Commissioner on National Minorities (HCNM) of the OSCE, with the task of providing 'early warning' and 'early action' with regard to tensions involving national minority issues. Because Western democracies were reluctant to grant this institution a say in their own minority policies, and for fear of encouraging separatist movements in Eastern

Europe, its scope of action was restricted to minorities 'which present a threat for security'. The construction of international standards by the HCNM was thus based on a restrictive interpretation of what constitutes a 'minority issue' in Western Europe (excluding terrorism, so as to leave Northern Ireland and the Basque Country aside) alongside a pragmatic acceptance of this international legal framework by Eastern European states, in the hope of a future integration into European institutions. Van der Stoel developed two parallel approaches to minority protection: the normative path based on the norms of the OSCE and the COE; 'preventive diplomacy' based on confidentiality and, when necessary, on a policy of 'name and shame' whereby the governments which do not respect international norms are publicly singled out (Chandler, 1999).

Agenda setting in European organizations

The timing and methods of the involvement of European organizations in the conflict over the Status Law between 2001 and 2003 showed a division of labor between these agencies, according to their *raison d'être* and to their tools. The COE occupied the front stage of the diplomatic and the media forums and turned certain notions and principles into legal norms, while the OSCE relied on this legal expertise to act as an intermediary between the Hungarian, Romanian and Slovak governments.

The 'quiet diplomacy' of the OSCE

In 2001, the HCNM played a role of 'broker' of international norms for the countries involved in the dispute over the Status Law. The Hungarian authorities first informed Max van der Stoel that this piece of legislation was being drafted in April 2001. Choosing a gradual approach based on 'quiet diplomacy' (Kemp, 2001), the HCNM first paid a visit to the Hungarian government in May 2001 and tried to convince them to use the provisions on minority protection in the existing bilateral treaties to improve the situation of their co-ethnics, instead of passing a new law. A few days before the law was examined by the Hungarian parliament, van der Stoel sent a confidential letter to the Hungarian prime minister, Viktor Orbán, asking his government to amend the text.

Yet, 92 per cent of members of the Hungarian parliament voted in favor of the initial version of the text on 12 June 2001. In October 2001, a few days after the COE gave its first public analysis of the Status Law (see below), Max van der Stoel published a declaration of principles entitled 'Sovereignty, Responsibility and National Minorities', which stated

that unilateral measures taken by states to protect their minorities living in foreign countries can create tensions and should be avoided. He also underlined the necessity to respect state sovereignty. Hungary was not explicitly mentioned in this short declaration (OSCE, 2001). Despite the signing in December 2001 of a Hungarian–Romanian memorandum on the implementation of the Status Law, which partially reduced the tensions between these two countries, the new HCNM Rolf Ekeus[8] still called for major amendments to the Status Law in January 2002.

To achieve this goal, the new HCMN engaged in 'shuttle diplomacy'. He studied each article of the Status Law with representatives of the COE, the three countries in conflict and the organizations representing the Hungarian diaspora, on the basis of proposals for revisions put forward by the Hungarian Foreign Office. The OSCE's position was that 'while keeping in mind that there is some legitimacy to keeping contacts with minorities with whom one has certain cultural and linguistic ties, this has to be done according to the rules'.[9] In June 2003, the day after the Hungarian parliament adopted a final, and largely modified, version of the Status Law, the HCMN made a final public declaration in which he insisted on the risks of destabilization in the region. This time, he clearly mentioned Hungary and warned of 'Status Law precedent', for fear that this law might become a model for states which had shown a strong interest in their co-ethnics, like Russia and Serbia.[10]

The COE: Legal standards and 'parliamentary democracy'

The long intervention of the COE in the rewriting of the Status Law between 2001 and 2003 shows how Romanian and Slovak delegates tried to give the maximum publicity to this controversy, whereas the Hungarian members of the assembly were keen to put the Status Law in a regional context and to discuss it behind closed doors.

Just a week after the Hungarian parliament adopted its first version on 19 June 2001, the Romanian delegation at the COE prepared a draft resolution (signed by every Slovak member of the parliamentary assembly, except for one ethnic-Hungarian) that prompted the Parliamentary Assembly of the Council of Europe (PACE) to call upon Hungary not to implement the Status Law. Two days later, the Hungarian members of PACE launched a counterattack and submitted several proposals promoting cross-border collaboration to protect the identity of national minorities. The same day, the Romanian prime minister requested the COE's Commission for Democracy through Law, also called the 'Venice Commission',[11] to examine the law. On 29 June, the standing committee of PACE[12] decided to refer the Hungarian and Romanian initiatives

to the Venice Commission, to be reported on. On 6 July, the Venice Commission accepted the proposal of the Hungarian foreign minister requesting a comprehensive study of the protection of minorities in Europe, and rejected the one submitted by the Romanian head of government, which asked for an opinion on the Hungarian law only. By agreeing to develop a comparative approach that would not single out Hungary, the Venice Commission toned down its political role and allowed Budapest to save face:

> What we do is legal expertise, it is our mission. Of course, it would be wrong to claim that we never take into account political aspects [...] since we provide analyses aimed at helping states to adopt Constitutions or laws that respect legal standards. From this perspective, our analysis is never abstract. We try to understand the reasons for a given disposition and if this disposition is not conform to the standards, we offer to help find a solution that conforms to these standards but is also acceptable in the countries concerned. It is obvious that we keep an eye on the political context. While drafting our report, we took into account sensitivities in Romania and in Hungary. Everyone found in our report, not necessarily what they wanted to hear, but an explanation of each party's positions.[13]

The report of the Venice Commission on 'The Preferential Treatment of National Minorities by their Kin-State' published in October 2001 thus analyzed several cases of kin-state legislation from a legal point of view (Venice Commission, 2001). It also mentioned the following flaws of the Status Law: its extraterritorial and unilateral dimension; the neglect of the procedures provided by the bilateral treaties; and the discriminatory nature of the socioeconomic benefits reserved to ethnic-Hungarians and denied to the other citizens of the neighboring countries. The Venice Commission stressed that differential treatment of citizens of other states could only be truly justified in the areas of education and culture. From September 2001 onward, the Legal and Human Rights Committee of PACE (herein: Legal Committee) had also started to analyze the political and legal aspects of the Status Law. PACE used the report of the Venice Commission not only to evaluate whether the Status Law conformed to international law, but also to urge Hungary to negotiate with its neighbors and to draft a new bilateral treaty, or at least a regulation that would explain the concrete meaning of this piece of legislation. The Venice Commission report was viewed as too partial to Hungary and not detailed enough to serve as guidance for future

norms.[14] Characteristically, the analysis of the Status Law carried out by PACE was more openly political, and more critical.

This topic evoked fierce debates at the Legal Committee and the initial report drafted by the Dutch rapporteur Erik Jürgens, which called for the complete withdrawal of the law, had to be revised four times until a watered down version was finally adopted. On 31 October 2001, Jürgens asked the Hungarian government to freeze the implementation of the Status Law pending the adoption of his report. The Hungarian administration had initially thought that it would be sufficient to adopt specific regulations over the law's implementation or to sign bilateral agreements with the neighboring governments to respond to international criticism. Although the Hungarian government announced on 7 June 2002 that it had drafted amendments to the Status Law, the report, which was examined by the Legal Committee of PACE on 24 June, still called for the withdrawal of the law. Realizing that the problem was the content of the law itself, the Hungarian government informed PACE that it planned to further amend this legislation according to the recommendations made by the Venice Commission. On 26 June 2002, the Legal Committee of PACE dismissed the Jürgens report and repeatedly assigned the rapporteur the task of comparing the Hungarian law against international practice and of assessing the decrees that had been passed by the Hungarian government on 29 December 2001.[15]

On 2 September 2002, the Legal Committee of PACE was supposed to discuss a revised version of the Jürgens report. Upon proposal by Slovak and Romanian representatives, the report was scheduled to the agenda of the January 2003 plenary session of PACE. In order to avoid such a high-profile public debate, the Hungarian government promised to revise the Law beforehand. On 18 December 2002, it adopted the basic principles of the amendment of the Status Law but the new draft was rejected by the Legal Committee and the HCNM. Work on the law started over in Budapest. On 27 January 2003, the Slovak and Romanian delegations to PACE urged for the Status Law to be put on the agenda of the assembly. The majority rejected it and it was ultimately not included in the program of the session.

On 3 March 2003, the Legal Committee of PACE finally adopted the Jürgens report with 22 members voting for the report, 13 abstaining and none voting against it. On 23 June 2003, the amendment of the Status Law on work, health and travel benefits was passed by the Hungarian parliament by a 53 per cent majority. The law's entire focus was changed to supporting Hungarian language and culture. Nevertheless, the Romanian and Slovak permanent delegations at PACE insisted

that the report be presented at the assembly's plenary session on 25 June 2003, whereas the Hungarian delegation claimed that submitting to public opinion a dispute involving several states would be contrary to the spirit of the assembly. PACE finally adopted the Jürgens report on that day with 95 votes pro, 11 votes against and 10 abstentions. A resolution from the Legal Committee asked for further changes to the law and negotiations with the neighboring countries over its implementation.

The models of reconciliation put forward by European organizations: Toward normative convergence?

The solutions to the conflict over the Status Law proposed with great difficulty by European organizations rested jointly on some norms of international law (non-discrimination, cooperation, protection of national minorities as part of the protection of human rights) and on political principles ('spirit of reconciliation', 'friendly relations', the importance of dialogue to ease tensions). They established a normative regime built on legally binding instruments as well as on diplomatic practices supposed to define 'European values'. Yet the ambiguity surrounding certain notions and the multiplicity of forums of arbitration allowed each international organization to defend its own interpretation of the conflict and to offer slightly different solutions. Differences were particularly visible on two points: the legitimacy of the protection of national minorities; and the behavior expected from Central European states.

The legitimacy of the protection of national minorities by their kin-state

The Venice Commission and PACE agreed on the merits of the protection of national minorities, seen as essential to the stability of Europe and as a part of human rights protection. But PACE stated more firmly that this protection is first of all the responsibility of the home-state (i.e. that state where these individuals live).

The Venice Commission wrote: 'Stability and prosperity, it is well known, cannot be achieved without a satisfactory protection of national minorities. Thus, all the bilateral treaties on friendly relations [signed by Hungary with Slovakia and Romania] contain provisions on the protection of the (respective) minorities' (Venice Commission, 2001, p. 21). Yet without denying the primary role of the home-states, it justified minority protection by kin-states by 'the need to defend cultural diversity in Europe'. The highly publicized analysis of the Venice Commission

gave a great legitimacy to the idea that a 'kin-state' may help its 'kin-minority', although these notions don't appear to be firmly rooted in legal doctrine:

> The advantage of the [2001 report] was that it was setting some rules. Setting, or rather . . . identifying, because none of this was invented. It was a field where standards were vague, that is the reason why this was possible. We identified them and we tried to make them clear. It was a new topic . . . in any case, the international community had neglected [the preferential treatment of kin-minority] although it exists in many Constitutions adopted in the 1980s and it is sometimes expressed in quite strict terms [. . .] It also raised a terminology issue. At the time, we didn't even know which words to use. These words 'kin state', 'kin minorities', some people even said that we invented them. I didn't invent anything. I found that, of course I studied a lot, there were a lot of things on the internet, etc. I read so many articles and books because it was a completely new issue, that's why people said that nothing existed. This is not true, a lot of things existed. I mean, there were things that touched upon the question in an indirect way or through a different angle but a lot of things existed.[16]

Similarly, the report of the Legal Committee of PACE adopted on 25 June 2003 stated that 'nobody would wish to gainsay that it is not in the interest of national minorities if an existing kin-state helps citizens belonging to those minorities to be conscious of their identity and to develop it, within the national identity of the state of which they are citizens' (PACE, 2003, p. 45). But the rapporteur highlighted the risk of 'separatism' created by such policies and defined some conditions which have to be met for this protection to be acceptable (first of all, the home-state has to be informed ahead of time and has to agree to the measures proposed by the kin-state).

Similarly, although the HCNM of the OSCE used the international norms formalized by the Venice Commission to deliver his own recommendations, his position was more reserved as regards the idea of the 'protection' of citizens of another state. The HCMN's reluctance appeared in his unwillingness to use the terminology of the 'kin-state':

> We don't want to legitimize a 'kin-state' perspective for several reasons linked to international law and stability in Europe. It is worth remembering that it is the state's responsibility to protect all the

> citizens who live on its territory, and even all the non-citizens. We favor multilateral agreements, since organizations like the Council of Europe and the High Commissioner on National Minorities were created after the Second World War to deal with these issues. Moreover, there are bilateral agreements and the International Conciliation and Arbitration Court, so there is really no need for any unilateral decisions.[17]

Accordingly, the HCNM's statements clearly underlined the principle of the respect of state sovereignty and the necessity to integrate minorities in their home-state (OSCE, 2001).

The practices expected from European states

The report adopted by the Venice Commission in October 2001 listed the legal norms that European states have to conform to: the respect of territorial sovereignty of states; the principle of *pacta sunt servanda* (treaties must be respected and performed in good faith); the respect of human rights and fundamental freedoms; and the prohibition of discrimination. But the models of reconciliation promoted by the COE and the OSCE also called for states to adopt certain forms of behavior: favoring existing multilateral and bilateral instruments over unilateral measures; engaging in dialogue with neighboring countries to negotiate the implementation of these treaties or to jointly establish new measures; and accepting the intervention of European institutions to promote 'friendly relations' and a 'spirit of cooperation'.

For the Venice Commission, the existing instruments for the protection of national minorities have to be implemented according to certain rules, like the principle of 'good neighborly relations', in order to fill the gaps of international law:

> Certain parts of the Hungarian law were very well received by some members of the Commission and absolutely not accepted by others. For example, the 'Certificate of Hungarian Nationality' .... It was a document with anagraphic data, a photo, which could have been used in Hungary as an identity card. The question was: is it acceptable for a state to deliver to foreign citizens an identity document that looks like an identity card? Half of the Commission replied: 'Absolutely not!'. And the other half: 'Why not?'. It was difficult to say ... leaving the issue of the political link aside, from the point of view of international law, it is quite difficult to answer this question. That's why we fell back on the principle of good neighborly relations:

> 'do not create tension. I mean, if you know that a given act will provoke tensions, you must at least use a bilateral procedure that exists anyway in minority issues' . . . so we had to look at all this from quite a broad context.[18]

By contrast, the Legal Committee of PACE underlined the sensitivity of national minority issues in Central Europe and openly questioned the motivations of the Hungarian government for drafting this law – thus recalling some of the reproaches formulated by Romania and Slovakia, such as the meddling in their internal affairs and an implicit will to recreate the borders of Greater Hungary. The Jürgens report adopted on 25 June 2003 highlighted the ambiguity of the definition of the term 'nation' in the preamble of the Status Law: 'There is a feeling in these neighboring countries that the definition of the concept of "nation" in the preamble to the law could under certain circumstances be interpreted – though this interpretation is not correct – as non-acceptance of the state borders which divide the members of the "nation", notwithstanding the fact that Hungary has ratified several multi- and bilateral instruments containing the principle of respect for the territorial integrity of states, in particular the basic treaties which have entered into force between Hungary and Romania and Slovakia'[19] (PACE, 2003, para. 10).

The report also established that the Hungarian authorities violated the principle of non-discrimination. According to Jürgens, giving socio-economic benefits through working permits and inclusion in the health-care system could not be considered as 'a form of assistance to a kin minority to preserve its identity. It was a form of selection of workers from a foreign country which clearly served the preferential socio-economic treatment of co-members of the "nation" ' (PACE, 2003, para. 34). The rapporteur concluded his analysis on the idea that a common definition of the 'nation' was missing in Europe and called for the COE to take a further look at the concepts of nation, citizenship and nationality.[20]

Conclusion

The model of reconciliation designed by the OSCE and the COE to solve the dispute on the Hungarian Status Law was the temporary outcome of a process that had started in the early 1990s, when the protection of national minorities was again put on the agenda of European organizations. Their involvement in this conflict shows that this emerging

'grammar of reconciliation' was built on some principles of international law, but also on notions that were less established from a legal point of view (such as 'kin-state') and on behaviors implicitly or explicitly required from European states (such as 'good neighborly relations'). This case study showed that European institutions played a dual role in these policies of neutralization of conflicts over the past: a role of 'framing' when they built a pan-European normative regime, in the case of the Venice Commission; and a role of 'broker' in the case of the OSCE and PACE, which used these norms to push the conflicting parties to negotiate. These brokers were, however, not neutral, and each European organization introduced its own nuances to these common standards: the more critical approach of the HCNM prevailed over that of the Venice Commission thanks to the willfulness of PACE.

Despite the fact that the dispute over the Status Law found a temporary solution in 2003, several subsequent events have shown that improving the situation of the co-ethnics has remained a high priority for Hungarian foreign policy. In 2005, under strong pressure from the conservative opposition, the socialist government revised its citizenship law, making it easier for ethnic-Hungarians to obtain long-term visas and to get Hungarian citizenship when moving to Hungary. Upon coming back to power in May 2010, a new conservative government took several symbolic measures in the framework of its 'nation policy'. The Hungarian parliament passed with an overwhelming majority a law that allows individual ethnic-Hungarians to apply for Hungarian citizenship if they can prove that they are of Hungarian origin and speak the language, even if they do not settle in Hungary. A month later, it declared 4 June a 'Day of National Cohesion' to commemorate the Trianon Treaty. Finally, the constitution adopted in April 2011 promised to 'preserve the intellectual and spiritual unity of our nation torn apart in the storms of the last century' and stated that 'Hungary shall bear responsibility for the fate of Hungarians living beyond its borders, and shall facilitate the survival and development of their communities'. These recent examples of 'symbolic politics' illustrate the enduring importance of the relations with the diaspora for Hungarian politicians.

More indirectly, the Hungarian Status Law has also sparked intense discussions on the need to enhance the protection of national minorities at the EU level. This idea was consistently championed by Hungarian representatives, regardless of political affiliations, during the 2002–03 Convention on the Future of Europe, which drafted the European Constitutional Treaty. The reference to 'the respect for human rights, including the rights of persons belonging to minorities' in the

draft constitution meant that a legal reference to minority rights was incorporated in the EU's *acquis communautaire*. The Reform Treaty, which replaced the failed Constitutional Treaty in 2007, includes the same provision. For the first time, it gives a legal basis to calls for the adoption of legally binding measures on minority rights, as part of human rights protection and the prohibition of discrimination (Neumayer, 2012). The controversy over the Status Law, which raised awareness of national minority affairs in the early 2000s, undoubtedly contributed to giving this issue a higher profile in all European organizations.

Notes

1. Since the Trianon Treaty and the Paris Peace Settlement of 1920, large chunks of territories inhabited by a multiethnic population were transferred from the Hungarian crown to other successor states of the Habsburg Empire. The population of Hungary is currently 10 million. Of the approximately 2.5 million Hungarian speakers who live outside Hungary in the Carpathian Basin, the vast majority live in Romania (1.4 million) and in Slovakia (500,000).
2. The first post-Communist president József Antall, for example, famously said upon his election in 1990 that he felt, 'in spirit', the prime minister of 15 million Hungarians, thereby including Hungarians across the world in his definition of the Hungarian nation.
3. On 18 July 2003, Romania and Hungary settled their differences over the Status Law by agreeing to extend its benefits to all Romanian citizens, whether ethnic-Hungarians or not. On 19 July 2003, Slovakia and Hungary agreed that Hungary would be entitled to grand benefits for the promotion of the cultural and linguistic identity of the Hungarians in Slovakia based upon their bilateral treaty and not upon the Status Law. In December 2003, they signed a bilateral agreement on the educational and cultural support of the Slovak minority living in Hungary and the Hungarian minority living in Slovakia. In both cases, the Status Law became void (in accordance with EU regulation) when the countries joined the EU: on 1 May 2004 for Slovakia and 1 January 2007 for Romania.
4. See Neumayer (2007a) for a detailed analysis of the EU's intervention in this dispute.
5. The various Hungarian political parties of course hold slightly different views on the best ways to support ethnic-Hungarians, but this topic goes beyond the scope of this paper.
6. Such as the 'Basic Treaties' signed with Ukraine (1992), Romania (1995) and Slovakia (1996).
7. The Conference for Security and Cooperation in Europe ended with the signature of the Helsinki Act in 1975. It was institutionalized and renamed as the Organization for Security and Cooperation in Europe in 1994 (Ghebali, 1996).

8. Ekeus succeeded van der Stoel as HCNM in July 2001.
9. Personal interview with the author, HCNM Office, 30 May 2007.
10. All these documents are reprinted in Kántor et al. (2004).
11. The Venice Commission is a consultative body established by the COE in 1990. Its members are legal experts nominated by their governments. Its official mission is to 'contribute to the dissemination of the European constitutional heritage, based on the continent's fundamental legal values. [It also plays a role] in crisis management and conflict prevention through constitution building and advice' (Venice Commission, 2007).
12. The standing committee of PACE consists of the chairpersons of national delegations and the bureau (the president, the 20 vice-presidents and the chairpersons of the political groups, as well as the chairpersons of the general PACE committees).
13. Personal interview with the author, Venice Commission, 22 November 2005.
14. Personal interview with the author, COE, 23 November 2005.
15. These decrees regarded the procedures of issuing the Hungarian certificate as well as student benefits, cultural benefits and education.
16. Personal interview with the author, Venice Commission, 22 November 2005.
17. Personal interview with the author, HCNM Office, 31 May 2007.
18. Personal interview with the author, Venice Commission, 22 November 2005.
19. The preamble to the first draft of the Status Law read: 'In order to ensure that Hungarians living in neighboring countries form part of the Hungarian nation as a whole, and to promote their well-being and awareness of national identity within their home country . . . '. It was replaced in the amended law passed in June 2003 by the following: 'In order for the Republic of Hungary to meet its obligations to Hungarians living outside Hungary and to promote the preservation and development of their manifold relations with Hungary . . . ' (Kántor et al., 2004, p. 508).
20. After studying this issue, PACE concluded that it was impossible to agree on a unique definition of the concept of nation that would be common to all member states (PACE, 2006).

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13

The Rejection of International Criminal Law in West Germany after the Second World War

Guillaume Mouralis

On 26 June 2002 the international criminal code was adopted in Germany after a unanimous vote of the Bundestag (Deutscher Bundestag, 2002).[1] Following the ratification of the Rome Treaty, the new rule adapted the German criminal law to the statute of the International Criminal Court (ICC). It seemingly introduced new legal categories, 'crimes against humanity' (§ 7) and 'war crimes' (§ 8–12), which – unlike 'genocide' – were unknown in West German criminal law since 1949. But in fact, this was a reintroduction rather than an introduction *ex nihilo*, for German courts had already been given the ability to punish these crimes under Allied occupation (1945–49).

In the parliamentary debates surrounding the ratification of the Rome statute (2000) and the adoption of the new international criminal code (2002), commentators underscored the newness of the ICC, situating it in a long-term evolution where the Nuremberg trials represent a significant milestone. They also welcomed the German commitment to the cause of international criminal justice before and during the Rome conference.[2] But they generally failed to mention that precisely this commitment marked a major turning point in the political and legal history of the Federal Republic of Germany (FRG) since 1949.

The 'Nuremberg principles' – war crimes, crimes against humanity and crimes against peace – were so unanimously rejected as foreign law imposed by the Allies that the question of their integration in domestic law was, remarkably, never seriously discussed before the 1990s. The prosecution of Nazi crimes, especially after the creation of the central judicial agency of Ludwigsburg (1958), generated many political, legal and moral debates, except one: Nazi crimes were exclusively punished under the provisions of the ordinary criminal code, as it existed at the time when the crimes were perpetrated (Weinke, 2009). Furthermore,

as pointed out by Friedrich-Christian Schroeder, professor of criminal law in Regensburg, in a rather confidential forum, this question was never addressed by those who took part in the significant work of penal reform accomplished during the 1950s and 1960s, which led to a 'modernization' of the imperial criminal code of 1871.[3]

The rejection of international criminal law (ICL) in the FRG during the Cold War was all but a linear and univocal process. On the one hand, it did not prevent the West German judiciary from prosecuting Nazi criminals, especially from the end of the 1950s onward. But the use of ordinary penal law favored, together with other factors, a lenient practice, as it was rather inappropriate to this kind of criminality; in addition, interpreting the national-socialist atrocities as 'ordinary' crimes contributed to the shaping of a certain public memory of Nazism. On the other hand, this rejection did not mean a rejection of international law in general. More generally, the FRG case shows that there is no strong correlation between the investment in international law and the defense of what were considered as national interests, noticeably the recovering of a limited sovereignty and a related political autonomy in dealing with the past. Thus the German professors of international law largely succeeded in backing antinomic processes: they partly internationalized their academic field and supported the political efforts to gain a limited sovereignty within a democratic Western framework (Ipsen, 2007). At the same time they maintained a largely inherited exceptionalism, whose main feature was a strong reservation toward natural law and human rights law (Pendas, 2006).

In this chapter I first present the main steps of the lasting rejection of ICL in Germany from 1945 to 1998. I then turn my attention to an apparent counter example: the ratification by the German parliament in 1954 of the 1948 international Convention on Genocide, conceived as a legal weapon to protect German nationals against the Socialist rulers in Soviet-dominated Europe. Finally, I propose to analyze the paradoxical internationalization of the West German law professors by focusing on the career path of Hans-Heinrich Jescheck, one of the leading representatives of criminal legal studies.

A lasting rejection of ICL (1949–98)

Limited application of the Nuremberg principles under Allied occupation

While the military governments of each occupation zone gradually reopened German courts to deal with the criminality, the Allied powers

enacted the Control Council Law (CCL) no. 10 on 20 December 1945, which provided for the 'punishment of persons guilty of war crimes, crimes against peace, and crimes against humanity,' as defined by the Charter of the International Military Tribunal (IMT) in August 1945. According to this law, German courts could be authorized by the occupying authorities to try those international crimes committed by Germans against other Germans or stateless persons[4] – while international tribunals or Allied military courts were competent for all other cases.

In practice the application of CCL no. 10 by German courts was limited in space and time: since the Americans only marginally authorized German courts, the application of Nuremberg principles by German judges occurred above all in the French and British occupation zones; but in these two zones the number of charges and convictions under these provisions quickly decreased from 1946 to 1949. In addition, there was no systematic cause–effect relationship between application of ICL and judicial harshness, as shown by Peter Bahlmann's case study of the British Zone (Bahlmann, 2008).

In the German legal milieu, the rejection of the Nuremberg categories, especially the charge of waging aggressive war (as defined in the 'crime against peace'), became stronger: be they state prosecutors, judges or legal scholars, the jurists were generally reluctant to dismiss the pre-1945 legal order. Even those professors seemingly more sympathetic toward the Allied legislation, such as the social-democrat and former minister Gustav Radbruch (Paulson, 1995), recommended very cautious and limited use of the Nuremberg principles. As for Hans Kelsen, exiled professor of law who collaborated with the US prosecution team at Nuremberg, he expressed reservations toward the new categories enunciated in the IMT Charter (Gattini, 2004).

From 1947 onward, the opposition to the war crimes trials and the parallel denazification process began to be (cautiously) articulated in the German public space. While accelerating the recovery of limited German sovereignty (with the creation of the FRG in 1949), the Cold War favored also a more lenient attitude of the occupying powers toward war criminals, a question that quickly became – to the benefit of the defendants – an internal German affair.

Building a constitutional obstacle – Heidelberg circle and *Vergangenheitspolitik*

The political and legal efforts to put an end to the Allies' prosecution of war crimes, through amnesty measures and individual pardons, came

from informal 'think tanks' practicing a discreet, but active, lobbying. One of the most important was the Heidelberg jurists circle (Frei, 1996, p. 163), constituted around 1948, to which belonged different categories of jurists including German lawyers from the Nuremberg trials,[5] such as Robert Servatius and Eduard Wahl, and well-known law professors, some of whom became consultants to the Adenauer government. At the beginning, liberal figures such as Gustav Radbruch (deceased in 1949) belonged to the circle, but they were replaced by more conservative professors such as Erich Kaufmann (Munich), a victim of political repression under Nazism, who was appointed 'first consultant for international legal affairs' in the chancellor's office (*Bundeskanzleramt*) from 1949 to 1951, at a time when the influence of the younger Wilhelm Grewe grew. This former supporter of the Nazi war against Bolshevism replaced Kaufmann in 1951 as the main expert for international law in the chancellor's office and played a key role in the negotiation with the Allies of the 'General Treaty' (*Deutschlandvertrag*), the first step to recovering limited sovereignty. This treaty sanctioned also the Allies' abandonment of both denazification and the war crimes prosecution program (Frei, 1996). As stated by Annette Weinke, 'most of the members of the Heidelberg circle agreed fundamentally that the use of international law against German defendants in itself constituted a serious violation of international law' (Weinke, forthcoming).

One of the lasting legal and political results achieved by the Heidelberg jurists was, according to their legalist strategy, to use the new Basic Law (*Grundgesetz*) to dismiss CCL no. 10 and the Nuremberg categories. From 1949, constitutional and federal judges were considering the prohibition of retroactive criminal legislation (*nullum crimen, nulla poena sine lege praevia)*, enshrined in article 103 (2) of the West German constitution, as an absolute principle. This interpretation was not inevitable, as shown by the attitude of the Allied judicial authorities, who first presumed that this constitutional prohibition would not apply to the Nuremberg categories.[6] The story of this principle is instructive: conceived in its modern formulation by Enlightenment philosophers as a protection of individual rights against arbitrary rule, it was soon established as a legal principle in Germany (Bavarian penal code, 1813), before being completely trampled by the Nazis after 1933. Its transformation into a constitutional principle was presented by the drafters of the new constitution in 1948 as a reaction against the previous political regime – as were many other elements of the Basic Law. According to the official record of the debates in the Parliamentary Council tasked with preparing the constitution, the new principle was

adopted without discussion on the possible implication of its strict interpretation.[7] As early as 1948, before the Basic Law was adopted, the opponents to the war crimes trials led a campaign lambasting the retroactive nature of the Nuremberg principles and their incompatibility with the future constitution.[8] Paradoxically, the Basic Law's strong commitment to human rights (exemplified by the interdiction of the death penalty and the prohibition of retroactive legislation) benefited foremost mass murderers such as the ten members of the *Einsatzkommando* Tilsit, accused of killing approximately 5500 Jews and sentenced in April 1958 by the Ulm regional court to prison terms ranging from three to fifteen years.

A persistent rejection of ICL until the 1990s

While the German Democratic Republic (GDR) claimed the legacy of the Allied war crimes trials by integrating the Nuremberg categories in its criminal code, neighboring West Germany followed the opposite path. A set of rulings rendered by the Federal Court of Justice at the beginning of the 1950s transformed the prohibition of retroactive penal legislation into an absolute ban, with no exceptions, and the last sentence for 'crime against humanity' was pronounced in 1951 (Tauber, 1997; Rüter and de Mildt, 1998). At this time, CCL no. 10 was in practice no longer applied in West Germany as the British and French occupation authorities exempted the German courts from this law. It endured five more years before the Western Allies formally suppressed the law.[9]

Consequently, until the 1990s, the West German state carefully avoided any breach of its doctrine, especially when contracting international engagements. As the FRG ratified the European Convention on Human Rights in 1952, the federal government expressed reserve on article 7, § 2, which excluded the Nuremberg principles from the general ban of retroactive criminal legislation. This reserve, known in the German legal literature as the 'Nuremberg clause', declared the categories of the IMT Charter incompatible with the Basic Law and further inapplicable in West Germany.[10]

Even after the FRG became a member state of the United Nations (UN) in 1973, it did not revise its position on this matter. So the FRG never ratified the UN convention on the imprescriptibility of war crimes and crimes against humanity (1968), although an articulated criticism seemed to emerge in parts of the political establishment. When the social-democrat Bundestag representative Klaus Thüsing asked the government in 1978 'why the Federal Republic [had] not till today ratified [this] UN-Convention', Hans de With, then parliamentary secretary of

state at the federal ministry of justice, answered that this convention extends the imprescriptibility also to crimes for which the statute of limitations had already expired. Thus the accession of the Federal Republic to the convention would require the retroactive repeal of a statute of limitations having already occurred. With regard to the jurisprudence of the Constitutional Court such a retroactive regulation is raising constitutional concerns.[11]

An apparent counter example: The ratification of the Genocide Convention (1954)

The longstanding West German rejection of ICL developed after the Second World War suffered at least one significant exception: the ratification in 1954 of the International Convention on the Prevention and Punishment of Genocide (from 9 December 1948) and the integration of the new crime in the German penal code.[12] How does one explain this political decision, in apparent contradiction with the strict reliance on domestic law?

First, the German law on genocide was strictly forward-looking because of the absolute ban of retroactive criminal law. It had therefore no practical meaning for the prosecution of Nazi crimes in West Germany. It seems that the project came at the initiative of the Heidelberg circle working in tandem with several Bundestag members and representatives of German refugee organizations. Their plan, however, was to initiate prosecutions of crimes related to the Soviet-ordered expulsion in 1945 of German populations from the Easternmost territories of the pre-war German Reich and of ethnic Germans from Czechoslovakia and other areas (Weinke, forthcoming, p. 42).

This constellation of conservative groups and lobbies seeking the reintegration of traditional elites and the liquidation of both war crimes trials and denazification found strong support for their project in the 'father' and primary author of the Genocide Convention, the professor of law Raphael Lemkin.

Born into a Jewish Polish family in 1900, Lemkin later emigrated to the USA where he published his standard work, *Axis Rule in Occupied Europe* (1944), in which he coined the notion of 'genocide'. Although associated with the American prosecution team in Nuremberg, his contribution to the indictment was limited. Only after the war did Lemkin succeed in popularizing the notion of genocide inside and outside the legal academic world. His main goal was to achieve an international convention aimed at preventing and punishing the new crime. Thanks

to his contacts, he mobilized key political, diplomatic, associative leaders for the cause of a convention. If one can hardly assess the exact role of Lemkin in putting the question of genocide on the agenda of the UN General Assembly as early as in November 1946,[13] he nevertheless played a significant role in the drafting process, especially as one of the three experts appointed by the general secretary in June 1947 to examine the project of convention.

After the adoption of the convention, Lemkin spent most of his time trying to convince as many countries as possible to ratify the new instrument. However, in his efforts he faced determined opposition to the convention, especially among those lawyers and politicians who would have preferred to develop the Nuremberg principles, rather than creating a new crime. Lemkin's intervention in the German drafting process of the law on genocide in 1954 seemed to have been facilitated by his contacts with conservative journalists: the correspondent of the German Press Agency (DPA) in Washington, Fritz von Globig, as well as the parliamentary correspondent in Bonn, Franz Rodens.[14] Author of an essay on the 'essence of German art' published by the central publishing house of the NSDAP in 1942, Rodens was close to chancellor Adenauer and, presumably, played the role of go-between for Lemkin and Seidel. In addition, Lemkin reached influential political leaders such as Thomas Dehler, former federal minister of justice (1949–53) and then president of the Free Democratic Party (FDP), a party which played a key role in designing the *Vergangenheitspolitik*[15] at the beginning of the 1950s.

In a letter to the president of the Bundestag's commission on legal questions, dated 8 January 1954, Raphael Lemkin wrote:

> You surely know that not only the Soviet delegation to the United Nations attempted several times to introduce into international law the principles of the Nuremberg Tribunal as generally applicable customary law, instead of this common law convention. Nevertheless it was possible to enforce the convention in the present form as a legal norm, which is independent of all Nuremberg principles; a fact which still has an ongoing and persistent struggle of the proponents of the principles of the Convention to follow.[16]

In a memorandum attached to his letter, Lemkin explained in detail the reasons for his reservations toward the German draft. He blamed the drafters for choosing a formulation too close to the Soviet concept of ICL, insofar as the proposed definition excluded political genocide perpetrated 'against the will of peoples to preserve their national

identity'. Lemkin explicitly highlighted the example of 'the genocide [carried out by the Soviets] in Eastern Europe and the Soviet zone of occupation'.[17]

It is somewhat surprising that Lemkin had in mind the contemporary Soviet policy rather than the past genocide perpetrated against Jews.[18] But we have to recall two context-related elements. First, Lemkin's conception of genocide was, from the beginning, very extensive, including what he called 'cultural' and 'national' genocides, and also genocides that occurred without physical destruction of the members of a community (Lemkin, 2008 [1944]). Lemkin himself, like most contemporaneous analysts of Nazi crimes, considered the systematic murder of European Jews as an extreme form of a more general genocidal policy.

Second, as early as 1946, Lemkin developed a strong criticism of the Nuremberg principles, and especially the crime against humanity, not only because of its limited application in time and space as enshrined in the London agreement, but also because it did not include the persecution of 'national groups'. The debate among specialists of international law on the latter question partly overlapped with a more political controversy on totalitarian rule and Soviet crimes in the first years of the Cold War.

Eugène Aronéanu, a Romanian-born legal scholar based in France and one of the first to write a comprehensive essay on crimes against humanity,[19] firmly opposed Lemkin's enterprise: in October 1948 he denounced 'the resulting double danger in replacing the [existing] law [on crimes against humanity] with a convention [dependent upon the ratification of sovereign states] and the institution of the crime against humanity by an ersatz'.[20] Aronéanu considered the adoption of a convention as tacit renunciation of the project born (or reactivated) in Nuremberg and then discussed within the UN international law commission – the establishment of a permanent international court applying an international criminal code regardless of the good will of sovereign states.

Denouncing the 'Nuremberg lawyers' and pointing to their lack of sensitivity regarding the persecution of Germans in Eastern Europe, Lemkin could not have chosen better words to convince his German counterparts not only to adopt the new crime, but also to choose a formulation more consistent with that of the 1948 Genocide Convention. Indeed, the West German drafters considered the convention as a legal weapon against the Soviet Union and the GDR rather than as an indirect act of contrition for past crimes. It is not surprising, therefore, that the 1954 Law on Genocide was the sole legislative adaptation of ICL in German domestic law from 1949 to 2002.

As demonstrated by the campaign led by conservative circles to ratify the Genocide Convention, there was in West Germany, nevertheless, a political current within the anti-Communist nebula sympathetic toward ICL. Without fear of paradox, the same lawyers who rejected the Nuremberg principles were eager to denounce the 'crimes against humanity' committed by the socialist authorities in Eastern and Central Europe. For example, the 'Inquiry Commission of Free Lawyers' was founded in West Berlin in 1949 by jurists who had fled the Soviet occupation zone of Germany (then the GDR) and who sought to uncover, publicize and punish the human rights abuses in the GDR. In the unofficial indictments against GDR officials they regularly published, the 'free' lawyers frequently charged the GDR officials with violating national as well as international criminal laws (Mouralis, 2008, p. 226). Certainly the reference to 'crimes against humanity' in the anti-Communist circles was often instrumental, but it could reflect in some cases a universal commitment to human rights.

The academic world from reservation to ovation: The career path of Hans-Heinrich Jescheck

As in other civil law countries, in Germany the ICL was primarily a matter of criminal law and secondarily of international law. These two fields were equally affected by the national-socialist grip on the academic sphere, but each in a quite different manner given the different functions attributed to them by the new authorities. Except for the so-called '*Kronjuristen*' of the Third Reich, most law professors who had begun or pursued their careers between 1933 and 1945 favored – or at least agreed with – after 1945, a limited or selective internationalization of their activities accompanying the integration of the Federal Republic into the Western world. On the one hand, this internationalization of West German legal scholars occurred through the publicizing (i.e. translation and distribution) of German legal writings and participation in international associations (Ipsen, 2007, p. 15). On the other hand, they discretely, but efficiently, took the defense of the German penal tradition and as a consequence of the specific policies related to the Nazi past. The first tendency did not stand in contradiction with the second – quite the contrary, as shown by the career path of Hans-Heinrich Jescheck (1915–2009) (Sieber, 2009; de la Cuesta, 2009). Born in Silesia into a family of jurists, Jescheck became a famous specialist of national and international criminal law after the Second World War, and his academic work and professional career illustrates what

might be called the paradoxical internationalization of West German law professors following the war.

Jescheck studied law at the universities of Freiburg im Breisgau, Munich and Göttingen at the beginning of the Nazi era (1933–36). Per tradition, his academic socialization went through the supervisor of his doctoral thesis, the Tübingen Professor Eduard Kern (1887–1972), who later supervised his habilitation, too. Another mentor was Kern's colleague Adolf Schönke (1908–53), who founded a seminar in Freiburg in 1938. Kern and Schönke were supporters of the new regime; the latter was even known for his habit of wearing the SA uniform in the law firm he worked with. During the war, Jescheck served as an officer in Poland, France and the Soviet Union before being taken prisoner in 1945. While a prisoner of war in the camp of Mulsanne (near Le Mans) until 1947, he established contacts with French intellectuals such as Joseph Rovan, a famous Germanist interned in Dachau during the war. This experience was a first step in building a worldwide network of contacts.

In 1949 Jescheck defended his habilitation thesis on the 'responsibility of state organs according to international criminal law' in Tübingen. The impetus for this study was undoubtedly the war crimes trials led by the Allies in occupied Germany, especially the main Nuremberg trial. In this comprehensive treatise, one of the few written after the war and still considered 'ground-breaking' among specialists of ICL, Jescheck developed a moderate criticism of the Nuremberg trials in tune with the general skepticism of German lawyers toward Allied judicial practices. In the 1952 published version of his habilitation thesis, Jescheck expressed several objections to the Nuremberg trial. He described the IMT as an 'occupational court' (Jescheck, 1952, p. 285); he bemoaned the absence of judges from neutral and defeated countries (Jescheck, 1952, p. 284); and he dismissed at least one of the new criminal categories defined in the charter of the IMT, the crime of aggression (crime against peace), which he considered – unlike the Nuremberg judges – as an *ex post* legal construction. If Jescheck admitted the legality of 'crimes against humanity', he seemed to consider them as superfluous since the new crime was no more than the 'systematic commission of ordinary crimes' (Jescheck, 1952; Burchard, 2006, p. 800).

After 1947, Jescheck embraced a typical legal career consisting of successive (and sometimes simultaneous) positions in the judiciary, in the state administration, and finally as a university professor. As judge at the Regional Court of Freiburg (French occupation zone) from 1947 to 1952, he probably never had to apply CCL no. 10, given the late authorization given by the French authorities to the German courts (and its short-lived

existence). In 1952, Walter Strauss[21] appointed Jescheck legal adviser at the Ministry of Justice in Bonn, a significant step in the constitution of his social capital, because he made friends with ministry officials playing a significant role in the design of legal and judicial policy, such as Eduard Dreher (director of the criminal law division) and Karl Lackner (also an adviser in the same ministry). Belonging to the conservative milieu of lawyers, partly comprised of pre-war national-socialists, these ministerial advisers significantly contributed to the design of the *Vergangenheitspolitik*'s legal aspects. Directly or indirectly, they took part in the preparation of almost all government bills intended to dismiss the Nuremberg principles and, more generally, to put an end to the trials against Nazi criminals. To take just one example, Dreher and Jescheck were associated with the drafting of the 1954 law on genocide analyzed supra.[22] At the same time, Jescheck was appointed member of the 'great Criminal Law Commission',[23] an important arena of legal reformism which nevertheless never challenged the exclusive reliance on national criminal law in the judicial practice.

The third step in Jescheck's career path was his 1954 election to a professorship in law in Freiburg, where he succeeded Adolf Schönke, one of his mentors. Later, he transformed the seminar for Foreign and International Criminal Law, founded by Schönke in 1938, into a famous research institute, which was integrated into the Max Planck Society in 1966. It is still the leading research center in Germany devoted to criminal law (in general) and ICL (in particular). Thanks to Jescheck and his desire to welcome foreign students, the *Max-Planck-Institut (MPI) für Ausländisches und Internationales Strafrecht* in Freiburg quickly acquired an international reputation.

The professor and director of the MPI succeeded in internationalizing his activities and contacts: he was an expert for international organizations and active member of international associations such as the International Commission of Jurists[24] and the International Association of Penal Law (AIDP). After a longstanding engagement in the latter's German section, he was elected as the AIDP's president in 1979. One of the primary objectives of this association, since its creation in 1924, was the creation of an international criminal court and, more generally, the development of ICL. According to Cherif Bassiouni, Jescheck's successor at the head of the association (1989–2004), Jescheck could not, however, deviate from the reservations toward the Nuremberg precedent that he had expressed 30 years previously in his habilitation thesis.[25] For this reason, and because of a more favorable international context, the international lobbying of the AIDP (an accredited non-governmental

organization to the UN since 1950) became more efficient in the 1990s under the presidency of Bassiouni.

Nevertheless, Jescheck joined the chorus of academic praise that accompanied the adoption of the international criminal code by the German parliament in 2002. In an article written at the end of his life, entitled 'The General Principles of International Criminal Law Set Out in Nuremberg as Mirrored in the ICC Statute', he wrote:

> in its content, the ICC statute upholds the principle that state officials may incur criminal responsibility under ICL, as was initially enunciated at Nuremberg in the IMT Charter. But it goes further than this by creating a criminal legal order, applicable to all human beings, coupled with an impartial international criminal law jurisdiction.
>
> (Jescheck, 2004)

The leading West German professor of criminal law was justifying his conversion to the Nuremberg principles through a partial denial: since 1949 his own reservation toward those principles were not only of a legal and procedural nature, but was also in tune with the public memory of the Nazi past shaped by the 'Vergangenheitspolitik' in the early years of the FRG.

Conclusion

How does one explain the late conversion of the West German political and legal elites at the end of the 1990s to the 'cause' of international criminal justice (Condé, 2008)? Given the importance of the legal capital within the German political field, I think that the political, social and professional processes described in this article affected the legal world and the political sphere as well.

Three separate processes contributed to this change of perspective. Beginning in the 1970s, a new generation of lawyers started to question the recent past of the profession, blaming not only their predecessors for their involvement in the Nazi terror system, but also criticizing their massive reintegration in the judiciary after 1949. This process persisted and the unexpected reunification of Germany raised the question of whether and how to deal with the systemic crimes perpetrated in East Germany. For many reasons a large consensus soon emerged to prosecute the authors of these crimes and to avoid, according to the Berlin minister of justice Jutta Limbach, 'a new failure of the German judiciary while attempting to deal with totalitarian crimes'.[26] In this context, the

limits imposed by German internal law on carrying through this task appeared obvious. In their efforts to overcome constitutional and legal obstacles (non-retroactivity, difficulty of assessing the responsibilities at the top of the hierarchy, superiors' orders plea, etc.), the federal judges seemed more sympathetic toward international law than they were previously in relation to Nazi crimes. Finally, German unification accelerated the internationalization of the West German legal field, favoring the development of German expertise in international law (including ICL), as well as an investment of German scholars in established (human rights advocacy) and emergent (transitional justice) sectors of activity.

Notes

1. Second and third readings of the law. Deutscher Bundestag, 14. Wahlperiode, 233. Sitzung, Berlin, 25 April 2002.
2. These arguments are developed, for instance, by the foreign affairs minister Joschka Fischer before the Bundestag, 24 February 2000, in: Deutscher Bundestag, 14. Wahlperiode, Stenographischer Bericht der 90. Sitzung, Berlin, pp. 8374–5.
3. Schroeder was interviewed as an expert by the legal commission of the Bundestag examining the draft of the first law amending the statute of limitation for crimes perpetrated in the GDR (Anlage zum Protokoll der 56. Sitzung des Bundestag-Rechtsausschusses, 11 November 1992, pp. 12–13). For further discussion, see Mouralis, 2008.
4. Control Council Law no. 10, Punishment of persons guilty of war crimes, crimes against peace, and crimes against humanity, Berlin, 20 December 1945 [http://avalon.law.yale.edu/imt/imt10.asp], Art. III, 1, d.
5. Besides the famous Nuremberg trial before the IMT against the main war criminals (1945–46), the American authorities organized 12 successor trials before their own military tribunals against high-ranking officials of the Third Reich having exercised responsibilities in the army, the diplomacy, the economy, the SS, and so on (1946–49).
6. As the judges of the High Court of the British Zone stated in July 1949 (Bahlmann, 2008, p. 302).
7. No indication of discussions on article 103 can be found in the collection: Deutscher Bundestag and Bundesarchiv, Kurt G. Wernicke and Hans Booms (eds), *Der Parlamentarische Rat, 1948–1949: Akten und Protokolle* (Boppard am Rhein: Boldt, 1975). See: *Bd. 2: Der Verfassungskonvent auf Herrenchiemsee* (1981), pp. 48–9 (Bayerischer Entwurf eines Grundgesetzes); *Bd. 5: I und II Ausschuss für Grundsatzfragen* (1993), pp. 19, 52, 364; *Bd. 7: Entwürfe zum Grundgesetz*.
8. The main goal of this campaign was to dissuade the German prosecutors and judges from resorting to CCL no. 10 (Bahlmann, 2008).
9. Erstes Gesetz zur Aufhebung des Besatzungsrechts vom 30. Mai 1956 (BGBl. I. S. 437)
10. 'Gemäß Artikel 64 der Konvention macht die Bundesrepublik Deutschland den Vorbehalt, daß sie die Bestimmung des Artikels 7 Abs. 2 der Konvention

nur in den Grenzen des Artikels 103 Abs. 2 des Grundgesetzes der Bundesrepublik Deutschland anwenden wird. Die letztgenannte Vorschrift lautet wie folgt: Eine Tat kann nur bestraft werden, wenn die Strafbarkeit gesetzlich bestimmt war, bevor die Tat begangen wurde.' (Bekanntmachung über das Inkrafttreten der Konvention zum Schutze der Menschenrechte und Grundfreiheiten, 15 Dezember 1953, *BGBl.* 1954 II, 14).

11. Answer von de With to Tüsing, 18 September 1978. BT-Drs. 8/2114, 12, p. 9. Quoted in: *Berichte und Urkunden, Völkerrechtliche Praxis der Bundesrepublik Deutschland im Jahre 1978* (Freiburg i. B.: Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht, 1980), p. 351. My translation.
12. Law on the adhesion to the convention on prevention and punishment of genocide, 9 August 1954.
13. Request to the general secretary from the delegations of Cuba, India and Panama, 2 November 1946. UN document A/Bur.50. On 26 November 1946, during a session of the Sixth Committee (legal questions) the Egyptian lawyer Riad Bey, representative of Saudi Arabia, 'noted that genocide was a new word which has been used for the first time by professor Lemkin'. See the Historical summary, UN document E/621 (Abtahi and Webb, 2008, p. 481).
14. Letter from R. Lemkin, New York, to Franz Rodens, Bonn, 4 May 1954. Raphael Lemkin Papers, 1st Reel: Correspondence 1947–54, New York Public Library.
15. According to Frei, *Vergangenheitspolitik* ('politics of the past') was the double policy of the Adenauer government from 1949 to 1955 that both aimed to reintegrate those Germans purged or sentenced by the Allies and, simultaneously, build an anti-Nazi consensus (Frei, 1996).
16. Letter from Raphael Lemkin, New York, to the president of the Bundestag's legal commission (Matthias Hoogen), Bonn, 8 January 1954 (1 p.), in: Materialien zum Gesetz über den Beitritt der BRD zu der Konvention vom 9. Dezember 1948 über die Verhütung und Bestrafung des Völkermordes, Parlamentsarchiv Berlin, Lfd. Nr. 11, Anlage 2. My translation.
17. Memorandum of Raphael Lemkin (undated, 9 p.), attached to the letter cited in note 211, in: ibid., Lfd. Nr. 11, Anlage 3. Quotations came from p. 4 of the memorandum. My translation.
18. There is no explicit reference to the destruction of European Jews in the parliamentary debates surrounding the adoption of the German law.
19. He was an expert for the French prosecution team during the main Nuremberg trial; he wrote in this capacity the document F 775 presented by the French public ministry, partly reproduced in Aronéanu (1946a). See also Aronéanu (1946b).
20. Eugène Aronéanu, letter published in *Le Monde*, 12 October 1948 (Archives René Cassin, AP382, 127). My translation.
21. Then secretary of state at the federal Ministry of Justice.
22. Relying both on this experience and on his previous reflexion on ICL (Jescheck, 1954).
23. He held this post from 1954 to 1959. In 1954, federal justice minister Fritz Neumayer convened a commission to establish a new criminal code. This Great Criminal Law Commission consisted of 24 members (including

professors, judges and members of parliament) and met from 1954 to 1959. Its work led to several legal bills, including an important draft from the year 1962 (E 1962, BT-Drs. IV/650). In 1966, an 'Alternative Draft Criminal Code' was proposed by German and Swiss professors (including Claus Roxin and Werner Maihofer), who also influenced the future legislation, but did not raise the question of the integration of ICL into domestic law. The reform was finally decided by the Great Coalition in 1969.

24. Member from 1963 to 1980.
25. Private conversation with Cherif Bassiouni, Paris, 4 June 2009.
26. *Die Tageszeitung*, 2 December 1991, p. 5 ('Es geht mir darum, ein abermaliges Versagen der deutschen Justiz bei der Bewältigung "totalitärer Vergangenheit" zu vermeiden.').

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14

History as a Tool for Foreign Policy in the Baltic States after Independence

Philippe Perchoc

In his book *The Baltic Revolution*, Anatole Lieven noted, 'dealing with Lithuanian nationalist politicians during the second independence struggle, I was repeatedly made aware that they operate just partly in the present' (Lieven, 1994, p. 16). As pointed out by Kasekamp, the Baltic states' claim to independence from Russia during the Cold War was mainly based on historical arguments, while their original struggle for freedom from Russia after the First World War was mainly couched in terms of the right of self-determination (Kasekamp, 2010). History has indeed become a salient issue in relations between Estonia, Latvia and Lithuania on the one hand and Russia on the other. When asked what the main issue in the Latvia–Russia relationship was, a senior diplomat from the Latvian prime minister's office declared in an interview that 'of course, the first one is the historical question'. One striking example is the annual parade of the veterans of the SS Latvian Legion in Riga, which is systematically used by the Russian government and media as an argument to accuse Latvia of Fascism. On the Latvian side, it is described as a private commemoration of the fight for independence. This example shows to what extent history, or at least historical arguments, are used in modern diplomacy in the Baltic context.

Yet, the importance of memory studies for theories of international relations has been underestimated. For the realist theory, the balance of power is the main determinant of international relations. Powerful states are the only ones to shape history, seen as an objective reality. This is especially the case in neorealist thinking (Waltz, 1979). The constructivist theory gives more weight to ideas and perception; it takes a special

interest in history, as 'knowledge of the human past as known from the work of professional historians'[1] which influences contemporary perceptions. It pays a great deal of attention to the link between identities and interests, arguing that the former shapes the latter. Therefore, history is mainly perceived as a cause of war and peace. For example, Wendt notes that if the realists were right, the USA should fear Canada more than Cuba, because the 'power' of Canada is bigger (Wendt, 1999). It follows that the constructivist theory focuses more on the influence of history on actors than the realist theory. Constructivist scholars consider history (individual or collective) to be an important part of the symbolic environment that explains individual and collective actions. That may be the reason why it is widely used by Baltic scholars in their investigation of the Baltic–Russia relationship (Taam, 2008).

A third approach, the liberal theory of international relations, has attracted less attention, although its focus on individuals and groups of individuals provides some telling insights into foreign policy. For example, Andrew Moravcsik's intergovernmental liberalism (Moravcsik, 1993, 2003) argues that small groups with particular interests take control of states in order to pursue their goals, just as they do through other means (non-governmental organizations, international firms, etc.). It is therefore likely that historical arguments may be used in the same way, in order to justify the policies of the elites. But before pursuing this line of argument, it is necessary to clarify the concept of memory. On a scale going from 'objectivity' to 'interpretation' (Langenbacher and Shain, 2010), past ('objective reality') is to be distinguished from history ('knowledge of the human past as known from the work of professional historians') and from historical culture, which is a form of collective memory common to one particular group. We may assume then that some of the elites or a given group of elites share a 'historical culture' that influences their perceptions and that they may impose on others in order to justify their position in society. Müller establishes a distinction between national collective memory – which is the dominant discourse about history conveyed by the elites and translated in memory-related policies – and mass individual memories. The latter is a historical culture shared by 'memory communities' that may be different from the national collective memory (Müller, 2002).

Still, it does not mean that the elites who partly shape the national collective memory are free to transform it radically. As noted by Rosoux (2001), one should distinguish between the 'weight' of history and the 'choice' of history. Leaders are constrained by history (whether personal or collective) but they still have the power to shape it through their

actions and discourses; however, some groups are always contesting, publicly or not, the elites' choice of history.

The idea that the Baltic states voluntarily joined the Soviet Union in 1940 was put into question in many Estonian, Latvian and Lithuanian families. The Soviet history books described the Baltic regimes of the 1920s and the 1930s as 'Fascist and anti-Semitic'. But some of the leading figures of the three national movements in the 1980s explain that they had history books from the time of their countries' first period of independence at home, which presented a different vision of history. There was a strong disruption between the national collective memory (the discourse that the Soviet elites tried to impose on the society) and the mass individual memories (shared not by the entire society, but by parts of it). One should recall that the Soviet occupation resulted in massive deportation of Baltic people to Siberia and in the migration of thousands of Russian-speaking families to the Baltic states. For the latter, many of whom lost relatives in the fight for the 'liberation' of the Baltic states from the Nazi occupation, the Soviet national collective memory had no reason to be contested.

Yet, this gap between the official memory and an important part of the mass individual memory does not, as such, explain either the success of the Baltic fronts in 1988–90, or the subsequent foreign policies of the Baltic states. Estonia, Latvia and Lithuania were unique in the Soviet Union because of their history in the interwar period. They also have a specific place in post-Cold War Europe because they are the only former Soviet republics that joined the European Union (EU) and NATO. This chapter argues that Estonian, Latvian and Lithuanian diplomatic policies relied extensively on historical arguments to achieve this 'uniqueness'. Domestic elites used this memory gap to undertake the fight for independence and the subsequent strategy of 'joining the West'. Moravcsik's liberal perspective on international relations allows for a new investigation of the use of memory in Baltic foreign policies. In line with Ricoeur (2000), the following analysis first focuses on the object of memory (what memory) before turning to its subject (whose memory). The overlap between a dominant type of historical arguments and a category of governing elites confirms Moravcsik's argument and shows that memory-related policies can be successfully used to legitimate the elites' position on the domestic and on the international stages.

From the Soviet Union to 1994, the myth of Baltic unity

Most of the time, Western European media and political discourse tend to bundle Estonia, Latvia and Lithuania together under the label 'Baltic

states'. Until 1918, only Baltic Germans living in what would later become Estonia and Latvia called themselves 'Balts'. After 1918, the independence of Finland, Estonia, Latvia and Lithuania changed the meaning of the word, which then applied to the four new states. During the Cold War, the semi-independent Finland tried to 'leave' the Baltic label to the three Soviet republics in order to develop a so-called 'Nordic identity' together with Iceland, Norway, Denmark and Sweden. Only Estonia, Latvia and Lithuania thus remained 'Baltic' in the Western popular imagery.

Nationalist activists in Estonia, Latvia and Lithuania still referred to the Baltic label as a reminder of their past independence. Taking advantage of *Glasnost* in the 1980s, both exiled communities and nationalist groups inside the Soviet Union contested the Soviet regime. This policy of transparency was as important for the Baltic states as *Perestroika* because dissidents and popular fronts[2] used this new freedom to claim historical justice and to denounce the Molotov–Ribbentrop Pact of 1939 and the 'Soviet occupation'. Following the traditional Soviet policy, Gorbachev at first refused to acknowledge the very existence of the pact. Taking into account the gap between the official discourse and the memory of thousands of Baltic families, nationalist elites then began to organize actions of memorial contestation. One should note that this use of the past was rather novel for the time. From 1987 onward, in Lithuania and then in Estonia and Latvia, nationalist movements like the Latvian Helsinki 86 group[3] began to commemorate important historical events. This marked the beginning of a wave of history-based contestation.

On 14 June 1987, the first open demonstration took place in Riga to commemorate the first large deportation of 1940, following the Soviet occupation of Latvia. Later on, nationalist groups demonstrated at every symbolic date: mass deportations (14 June), the national days of the independent Baltic republics (24 February for Estonia; 18 November for Latvia; 16 February for Lithuania) and most of all, 23 August, the day of the signature of the Molotov–Ribbentrop Pact. Each of these demonstrations was an opportunity to demand that the Soviet Union officially recognized the pact.[4] On 23 August 1989, at the time of the 50th anniversary of the pact, the 'Baltic Way' – a human chain of more than a million people between Vilnius, Riga and Tallinn – was widely publicized outside the Soviet Union.

Most of these events were either joint rallies of the three national movements or at least saw the participation of delegates from the two other countries. While Estonia, Latvia and Lithuania had a mixed experience of cooperation among themselves during the first period

of independence due to the continuing conflict between Poland and Lithuania over Vilnius, the Estonian and Latvian popular fronts, together with the Lithuanian *Sajudis*, demonstrated at several occasions their unity against the Soviet Union. In addition to demographic and environmental arguments, the history-based contestation was the main unifying action for these three movements. Public demonstrations based on historical arguments and supported by Western countries were the core of non-violent protest, typical of anti-Soviet dissidence in the Baltic states (Muiznieks, 1995).

On the other side, the Soviet elites in the Baltic republics and in Moscow, together with parts of the Russian-speaking population of the Baltic states, contested the version of historical memory defended by the Baltic nationalist movements. Under pressure from the nationalists, a Soviet commission directed by A. Yakovlev[5] was established in June 1989 to evaluate the veracity of their claims. On 24 December, it recognized both the existence of the pact and its illegality. Henceforth, it became very difficult for the Soviet Union to sustain the legitimacy of its regime in the Baltic states. The position of the Baltic movements was a strong one because the historical memory that they voiced was in line with history, while the Soviet version appeared to be a lie. As a result, the Soviet argument that tens of thousands of Soviet soldiers – including Baltic soldiers – had died for the 'liberation' of the Baltic states in 1944 lost its relevance as this 'liberation' was presented by the Baltic elites as a 'second occupation'. The Soviet Union took no more action after this. Gorbachev did propose that all 15 Soviet republics signed a new constitutional agreement, as a response to the claim that some of them had not wanted to be part of the Soviet Union the first time around. But this attempt to turn the Soviet occupation of the Baltic states into a renewed Soviet Union based on voluntary membership was fiercely contested by the independence movements (Landsbergis, 2007) and the August Coup (1991) put it to an end.

It is obvious that historical contestation was a strong impulse for the independence movements in the Baltic states, because it allowed for various movements to find common ground for action. One should add that it was not the only argument. At first, the Estonian movement for autonomy aimed at reversing the disastrous industrial policy of the Soviet Union in Estonia and the environmental damage it was causing. It also contested Moscow's migration policy, whereby thousands of Russian-speaking families had settled in Estonia and Latvia. In all three countries, national movements had environmental, demographic and historical roots. Nonetheless in the coming together of these various

groups, the historical claim and the denunciation of the Molotov–Ribbentrop Pact became the central argument because it was the only one that could be universally shared. This demand was backed by exile communities from the three countries as well as by the American administration, many Western countries and the European Parliament.

The recognition of the Soviet occupation had also very straightforward legal effects: it offered the former citizens of Estonia and Latvia, and their children, control of the state while providing a legal reason to claim the return of Estonian and Latvian territories that the Kremlin had given to the Russian Soviet Federative Socialist Republic after 1945. It also justified a strict citizenship policy, which did not automatically grant citizenship to all the people living in the republics (including the large Russian-speaking communities), contrary to what happened in other former Soviet republics like Moldova, for example. 'Foreigners' who lived in Estonia and Latvia could only become citizens through naturalization. Interestingly, the Soviet citizens who asked for early citizenship with the Estonian congress before the independence of the country received it automatically: their acceptance of the legitimacy of the Estonian historical claim had made them part of the Estonian community. This shows that the historical memory defended by the Baltic nationalist elites was not restricted to a particular language group, but was also taken over by non-Baltic people in the Baltic republics, and among the wider anti-Soviet dissidence. By way of contrast, the new elites made a different use of historical argument in Lithuania. Although it claimed the legal continuation of its independence under Soviet occupation, the newly independent Lithuanian state did not return to its previous constitution (like Latvia did), and all Soviet citizens living in the republic were granted Lithuanian citizenship. The situation there was somewhat different: the Russian-speaking minorities were smaller than in Latvia and Estonia (less than 10 per cent of the total population) and Vilnius was regained from Poland thanks to Soviet occupation in October 1939.

The 'memory gap' between Baltic mass individual memory and the national collective memory, which had been used in the same manner by Estonian, Latvian and Lithuanian dissidents in the years up to independence, was thus treated differently once this aim was achieved. Nevertheless, the historical memory of the nationalist elites soon became the proclaimed historical truth (history) in the three countries. It was immediately contested both by Russia and by a part of the Russian-speaking communities in Estonia and Latvia. In December 1991, when Russia proposed to create the Community of Independent States (CIS)

in order to foster cooperation in the former Soviet space, the Baltic elites referred to their historical memory as an argument to decline the offer. At the same time, historical experience was used to ask the West for help regarding the departure of Russian troops. After independence, the main fear of the new Baltic elites was to be trapped in what they called the 'grey zone', meaning the 'former Soviet Union' and the CIS. When the three states officially 'recovered' their independence, they asked for an immediate departure of Russian troops. As Strobe Talbott (2002) and Ronald Asmus (2002) wrote in their accounts on the Clinton presidency, this made the Baltic states a special issue in the relationship between the USA and post-Soviet Russia. Baltic elites in the USA used the argument of the non-recognition of the Soviet occupation of the Baltic states during the Cold War period to convince Washington to put pressure on Moscow (Asmus, 2002). Nordic leaders like the prime minister of Sweden Carl Bildt (1991–94) used the same argument because it was a strategic interest for Sweden. In a famous article in 1994, Bildt wrote that the Russian commitment to leave Estonia and Latvia was the 'litmus test' of the respectability of the new Russia (Bildt, 1994). The Red Army, which had already left Lithuania (it did so in 1993, even before its official departure from Germany) eventually yielded in 1994 for the two other countries.

After 1991, Baltic leaders also made frequent references to the treaties signed between their countries and Soviet Russia in the 1920s, in which Moscow recognized the irreversibility of their independence 'forever'. The interwar period became more and more prominent in the public speeches given by Baltic elites such as presidents and ministers of foreign affairs. This period was used in the second part of the 1990s and in the 2000s to demonstrate that the Baltic countries have always been part of 'Europe'. As Lennart Meri[6] said in 2000:

> Our European identity is self-evident and I'm always amazed to hear that Estonia decided to become part of Europe. [...] What we see in reality is the return of Europe to regions it had left before and during the Second World War.
>
> (Meri, 2000)

These speeches on Europe marked a turning point in Baltic strategies. The denunciation of the Molotov–Ribbentrop Pact was the most common argument in the fight for independence and henceforth, it became a central part of the national collective memory in each of the three newly independent countries. One good example is the creation of

museums of the occupations (both Nazi and Soviet) in Latvia (1993) and in Estonia (1999). But after the departure of Russian troops in the mid-1990s, political elites in Estonia, Latvia and Lithuania added to this new and developing national collective memory a set of historical arguments rooted in their pre-1940 histories. As these three histories were slightly different, they found different reasons to argue for their inclusion in the Euro-Atlantic community. In the liberal paradigm of international relations, this raises the question of whether these new arguments came from the same elites or were expressed by new governing groups.

Changing discourses or changing elites?

The biographies of the main leaders of the Baltic national movements from the 1980s do not reveal strong similarities. Some of them come from prominent nationalist families like Vytautas Landsbergis,[7] and others such as Lennart Meri or Sandra Kalniete[8] experienced deportation during their childhood. Tunne Kelam was a dissident for a long part of his life while Algirdas Brazauskas[9] was the first secretary of the Lithuanian Communist Party. But most of them lived in families where the memory of the first independence or even a childhood in Western Europe (for Meri for example) was strong. Therefore, it is possible to argue that the weight of history was an incentive for at least a part of their choice of history. As revealed by his book on the struggle for independence, Vytautas Landsbergis did not consider for one minute the idea of accepting the new constitution of the Soviet Union or of joining the CIS (Landsbergis, 2007). The choice of the past is not entirely instrumental, but is partly rooted in the 'memory community'. Moravcisk may be right to argue that groups of individuals try to take control of the state to pursue their interests, but we may add that they also influence the national collective memory both to justify their power and to put it in line with the discourse of their memory community.

By the middle of the 1990s, almost none of these prominent figures from the dissidence managed to reach a central position in the political system of their country, except for Lennart Meri in Estonia. In Lithuania for example, Algirdas Brazauskas defeated Vytautas Landsbergis for the Lithuanian first presidential elections in 1992. In Latvia, Ivars Godmanis[10] (a prominent member of the Latvian Popular Front) stayed in power until 1993, before a period of political instability started. This phenomenon is not specific to the Baltic states. In Poland, for example, former Communist elites or elites less involved in the struggle against Communism were elected in the same period.

After this relative renewal of elites in the three newly independent countries, the main focus of diplomatic discourse shifted from the Second World War period to the Middle Ages. Yet Estonia, Latvia and Lithuania did not drop the interwar argument, partly because it became a strong element of the national collective memory and had wide implications for the question of citizenship in Estonia and in Latvia. Therefore, as pointed out by Jurkynas, the Baltic leaders developed a set of new references alongside the recall of their interwar period (Jurkynas, 2007). In order to convince the Europeans and the Americans to let them 'join the club' – meaning the EU and NATO – they relied on historical arguments linked not only to the interwar period, but also to the Middle Ages.

Starting in the mid-1990s, Estonian politicians began to emphasize their 'Nordicness' and the fact that they were not a 'Baltic country'. Their strategy relied on the example of Finland, which had often been classified among the Baltic states in the interwar period but had invented 'Nordicness' during the Cold War. As Toomas Hendrik Ilves, the Estonian minister of foreign affairs said in 1999:

> Finland abandoned her earlier attempts to create a Baltic Union and decided to push to become a Nordic country. The Swedish Foreign Ministry, as I was told by Lars Freden, did a policy review and decided that it was in Sweden's ability, resources and national interest to nordicize but one of the Balts, Finland. Today, no one thinks of Finland as a Baltic country, but as a self-evident member of Yule-land.[11]

The Estonian elites, in various official speeches, emphasized their connections with the North by stressing their historical ties with Finland and Sweden in the 15th and 16th centuries. They recalled the germanicization of the country during the Middle Ages, against which they had fought at the end of the 19th and beginning of the 20th centuries, but which now proved to be useful for convincing others of their 'Europeanness'. Diplomats from that period often remark that 'bringing Western politicians to the Baltic states in that period and making them discover the architecture was the best argument for entering the club'.[12]

This can be linked to the new role played by Estonian elites who did not belong to the dissident movement. For example, Arnold Rüütel, who was president before Ilves (2001–06), was a former apparatchik of the Soviet regime. As such, he had no interest in raising the occupation issue because it offended his Russian-speaking electorate. Toomas Hendrik

Ilves, an influential minister of foreign affairs (1996–98; 1999–2002) and president of the republic since 2006, was raised in the USA and worked for Radio Free Europe during the Cold War. Both of them were less constrained by the weight of history than prominent dissidents like Tunne Kelam, and therefore made a more strategic use of history for internal and international audiences.

The Lithuanian strategy was different, but the mechanism is somewhat similar. One prominent Lithuanian diplomat in Paris[13] at the end of the 1990s explained that reminding people that a French king (Henri III, 1551–89) was once Grand Duke of Lithuania had had a very positive impact on French politicians, and made them see Lithuanian accession to the EU as more legitimate. The fact that kings and dukes were often elected from among Western nobility explains – in the long run – some of the strong links between Lithuania and Western Europe and its culture. But this is also a strong rhetorical argument to underline that Lithuania is a Central European country just like Poland. For the Lithuanians, it seems self-evident to hark back to medieval times, as Lithuania has a long history as an independent duchy and a shared history with Poland. References to this period are very common in Lithuanian public speeches and they strengthened the claim of the country to be a new center for Central Europe, or even the 'center of a new region'. In the Lithuanian case, the new public discourse on history was a way of showing that the country does not only rely on others for its existence, but that it can also bring its expertise and its influence in the wider region to the Euro-Atlantic community.

In the Lithuanian case, it is worth mentioning that the main figure of the independence movement, Vytautas Landsbergis, was not elected president in 1993 and did not become prime minister. Most of the important figures in Lithuanian foreign policy, such as Algirdas Brazauskas (president 1993–98; prime minister 2001–06) and Povilas Gylys (minister of foreign affairs 1992–96) either had strong links with the Soviet regime,[14] or came from overseas, such as Valdas Adamkus (former US citizen, president 1998–2003; 2004–09). For them, the Second World War argument was less pertinent because they started their careers under the Soviet regime or lived outside the Soviet Union. In addition, given that the Russian-speaking community is smaller in Lithuania and was automatically granted citizenship, this strategic use of history had no impact in the domestic political debates. Therefore, the insistence on the history of the Grand Duchy was more important as a means of consolidating links between Lithuania and Central Europe and the Euro-Atlantic community.

In the Estonian and Lithuanian strategies, there was a temptation to 'escape' the Baltic region to join geopolitical regions that are more clearly linked to the West, like Nordic or Central Europe. The reference to the Baltic region remains an important part of diplomatic speeches, but no reference was ever made to positive aspects of the first Russian period when the to-be Baltic states were parts of the Russian empire (1795–1918).[15] The situation of Latvia is more complicated: the country does not have any strong cultural (and linguistic) connections to Finland, contrary to Estonia, and its history is not linked to Poland, as is the case for Lithuania. Therefore, the reference to a 'Baltic' and sometimes to a wider 'Nordic' identity played a stronger role in public discourse, as pointed out by Jurkynas (Jurkynas, 2007). Like Estonia, Latvia can underline its former cultural link with Germany. But for both countries, it remains a double-edged argument because they gained their independence in the first part of the 20th century against Russian political domination and against the German influence in the political, economic and cultural spheres. Therefore, Estonian elites rely on their cultural and linguistic links to Finland, while the Latvian elites cannot do the same as the Latvian language is closer to Lithuanian.

In addition, the Latvian elites after 1991 had also to deal with the large Russian-speaking minority living in the country. In this respect, the Latvian case is very specific because the 'memory gap' between the national collective memory and the mass individual memory was reversed with independence: the Latvian memory contested the Soviet discourse with the support of the USA, while the Russian-speaking minorities in Latvia challenged the national collective memory with the support of Russia (Galbreath, 2006). In addition, the lack of obvious and deep historical links with a neighboring country with a strong European identity made it difficult to develop a strategy similar to the Estonian or Lithuanian. Latvian elites therefore made use of the same historical arguments as in the 1980s. It may also be due to the fact that the political system did not allow for new elites to seize power beyond the beginning of the 1990s. The same elites remained in power for a long period and accepted to give more rights and to ease the access to citizenship for Russian-speaking minorities only under EU pressure (Morris, 2004).

Therefore, different arguments were found in the early history of each country from the middle of the 1990s onwards, to link the weight and the choice of history (Table 14.1).

Table 14.1 'Weight of history' and 'choice of history' in the Baltic states

	Estonia	**Latvia**	**Lithuania**
Language	Related to Finnish (= Nordic)	Baltic	Baltic
Strong link with Western history	German	German	Polish (= Central European)

Conclusion

These three cases illustrate the clear link that exists between the strategic use of history, before and after 1994, and the personal history of the main political leaders. This is a strong indication of the usefulness of the liberal theory of international relations when dealing with memory issues. During the 1980s, the three nationalist movements used the Molotov–Ribbentrop Pact as their main argument for independence. It was the result of a choice of history because it was the most uniting demand they could make, but it was also of the result of the weight of history, as many of the Baltic leaders and their parents had directly experienced Soviet repression. In order to defend their claims, they organized numerous demonstrations showing the disruption between the Soviet national collective memory and an important individual mass memory. Together with Western pressure, this forced the Soviet leadership to acknowledge the existence of the pact and the illegal occupation of the Baltic states. Later on, it was a strong justification for speeding up the departure of Russian troops. The personal history of Baltic leaders together with the pre-eminence of the new national collective memory pushed them to refuse to join the CIS and to pursue Euro-Atlantic integration instead.

After independence, a renewal in political elites took place and a new historical culture, more focused on the Middle Ages and cultural links with Western countries, became more prominent at least in Estonia and Lithuania. This new discourse better served the aim of joining the EU and NATO, and sat more comfortably with the personal history of the then governing elites. It is interesting to note that most of the leaders from the 1980s are now MEPs and continue to promote a specific historical culture at a European level. For example, they proposed to establish a day for the remembrance of the victims of Stalinism and Nazism on 23 August, which was endorsed by the European Parliament in September 2008.

These case studies show that it is fruitful to connect the liberal theory of international relations with memory studies. The liberal focus on elites leads to a discussion about whether they use historical arguments on the national and international stages merely as strategies, or if they are also influenced by their communities' historical culture. More case studies based on interviews and biography analysis, as well as discourse analysis, would be useful to strengthen the evidence for this theoretical connection.

Acknowledgments

The author wishes to thank Dudley Stephen Wyber, Sarah Cambray and Laure Neumayer for their comments on the first drafts of this contribution.

Notes

1. I follow Henri-Irenée Marrou (1954) who refers to Henri Corbin in distinguishing the use of history as 'pure past' (historical reality) from history as 'knowledge of the human past' (historical knowledge).
2. In Estonia and in Latvia, the main independence movements took the name 'Popular Front'. In Lithuania, it called itself '*Sajudis*' (movement), which was the short version of *Lietuvos Persitvarkymo Sąjūdis* (Reform Movement of Lithuania).
3. Like other 'Helsinki groups' in the Soviet Union, Helsinki 86 was created in Liepaja (Latvia) in 1986 to put pressure on the Soviet authorities and ask for the respect of the Helsinki Final Act's provisions on human rights.
4. The Molotov–Ribbentrop Pact was a treaty of non-aggression between the Nazi regime and the Soviet Union signed in August 1939. Along with the treaty, a secret agreement defined the German and the Soviet spheres of influence. The Baltic states were to be part of the Soviet sphere of influence.
5. Alexander Nikolaevich Yakovlev (1923–2005) was a member of the Politburo and the Secretariat of the Communist Party of the Soviet Union. He was considered as one of the most influential liberal intellectuals in the late Soviet Union and the 'father' of the policies of *Glasnost* (transparency) and *Perestroika* (restructuring).
6. Lennart Meri (1929–2006) was an Estonian writer and documentary filmmaker. Because his father was an Estonian diplomat during the interwar period, Meri grew up in several Western countries. He was deported with his family to Siberia in 1941, after the first Soviet occupation of Estonia (1940–41). He became famous for his novels and documentaries about remote people of the Soviet Union and created the 'Estonian Institute' as a tool of promotion of the Estonian culture in 1988. He became the first minister of foreign affairs of the newly elected government in 1990. Two years later, he was elected president of the republic (1992–2001).

7. Vytautas Landsbergis (1932–) was the main leader of the *Sajudis*. He chaired the Lithuanian Supreme Council after the *Sajudis*' victory in the 1990 elections. An unsuccessful candidate to the 1992 presidential elections, Landsbergis has been an active member of the Lithuanian parliament and the European Parliament (since 2004).
8. Sandra Kalniete (1952–), one of the main leaders of the Latvian Popular Front when it was founded in 1988, became a diplomat after independence. She was appointed minister for foreign affairs (2002–04) and European Commissioner (2004). She has been a member of the Latvian parliament (2006–09) and of the European Parliament (since 2009).
9. Algirdas Brazauskas (1932–2010) was the first secretary of the Communist Party of the Soviet Socialist Republic of Lithuania (1988–89) and the first democratically elected president after independence (1993–98). He also served as prime minister (2001–06).
10. The academic Ivars Godmanis (1951–) was one of the main leaders of the Latvian Popular Front.
11. In the same discourse, Ilves develops this concept of Yule-land:

> We live in Yule-land, the area where one and the same word signifies both the birth of Christ as well as the solstice, the return of the sun, one of the two highpoints in the pre-Christian Calendar of the hyperboreans. *Jõul* in Estonian, *Joulu* in Finland, *Jul* in Sweden, Norway, Denmark and *Jol* in Iceland. On the British Isles, *Yule*. At *Yule-tide*, *Jultid, Jõuluaeg*, we burn the Yule-log, a symbol of warmth and light at the darkest and coldest of times. The Yule-swath that extends from Iceland and Britain through the Scandinavians to the Finnic lands that include Estonia, ends there. In Latvia Yule is *Ziemastvetki*, in Lithuania *Kaledos*, in Russia *Rozhdestvo*.

12. Personal interview of the author with Pauls Raudseps, former editor-in-chief of *Diena*, July 2007.
13. Personal interview of the author with a former Lithuanian diplomat attached to the Lithuanian Embassy in France, July 2009.
14. The Lithuanian case is specific in the Soviet Union because the majority of the Lithuanian Communist Party chaired by Algirdas Brazauskas supported the struggle for independence.
15. Some parts of the present Estonia and Latvia were annexed to the Russian Empire during the Great Northern wars in the first years of the 18th century. The Courland Duchy was formally independent until 1795 and the present Lithuania was entirely annexed during the third partition of Poland (1795).

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Conclusion

Georges Mink and Laure Neumayer

The European continent is marked everywhere by traces of earlier interstate and ethnic conflicts. Opportunities and constraints have come into being after the Cold War that bring social memory issues to the fore and enable the actors using them to be favorably heard. Together with what Samuel Huntington (1991) called the 'third wave of democratization' (including the 'velvet' and 'colour' revolutions), the phenomenon of globalization and the flourishing normative European Union (EU) construction process – issues involving representations of the past – have made memory issues polymorphous and infused with new energy. The high salience of memory-related conflicts in post-Communist Europe is linked to three region-specific phenomena: the legacies of two successive dictatorships and the contentious issue of the comparison and/or equivalence of Nazism and Stalinism, which implicitly or explicitly informs most discussions about recent history; the external pressures to 'deal with the past' that comes either from European organizations (EU, Council of Europe) or from transnational actors (activists, non-governmental organizations, lawyers, etc.); and the fact that political and social actors from post-Communist countries simultaneously use the national and the international arenas when they make memory-related demands or implement policies of remembrance.

Indeed, contested histories have become salient issues on the European continent as a whole, first in the run-up to the enlargement of these European organizations, and later on because of the 'memory gap' that runs through them since they incorporated post-Communist countries. In Central Europe, the window of opportunity offered by the pre-enlargement transition period was filled with intense symbolic activity both inside and outside the candidate countries. And once these countries had joined the EU, hitherto unknown memory issues erupted

in the enlarged union as the new member countries challenged Western member states to take on their heritage of social memory issues: 'Yes to Europe,' wrote Maria Janion (2000), a historian of Polish Romanticism, 'but we're coming in with our dead.'

Europe has become a theater of recurring 'memorial' movements that are striking out all over, from North to South and East to West, and this development persists. The early 2000s have thus witnessed the return to center stage of population categories sacrificed earlier by the exit 'pacts' of their authoritarian regimes – for example, victims of Franco in Spain, descendants of German expellees and victims of the communist political police who feel an imperative to repair the injustice done. Their aim is to rehabilitate groups excluded from memorial pacts, those who had to keep quiet about their resentment (but not forget it!) so that the authoritarian regime could make its exit compromises.

All this is being done in a fluid context in which behavior and values are proliferating that threaten to call into question the dominant understanding that democracy has become definitively universal. In general, that vision is being given a rough time, here by the eruption of unconventional behavior; there by assaults on the continuity of historical legitimation; elsewhere by the rise of xenophobic discourses and movements. Criticism and heretofore unmentionable subjects of debate – repressed until now, prohibited or censured – are cropping up all over. Those who are speaking out in these instances show a superb indifference to the standard, routine frameworks of representation, negotiation and political legality. An increasing number of firmly rooted national politicians who have acquired legitimacy at the polls in democratic contests are giving in to the temptation to make high-risk anti-democratic speeches and statements. And new categories of actors are alternately playing system and anti-system games, struggling thereby to call into question the historical foundations of political systems by changing people's representations of those systems. Despite the apparent heterogeneity of the phenomena involved, historicizing games of division and reconciliation might be a good indicator of the state of political regimes and of so-called universal, established rules for pacifying conflicts and enabling yesterday's belligerents to live together in the present.

Memory games are not just part of a search for an institutional recognition of the wounded history of Central and Eastern Europe. Demands for acknowledgment or redress of past injustice represent a valuable resource in domestic political struggles, when competing elites play the 'patriotic card' and export these demands for memory adjustment onto

international arenas. The national/international-scale game enables various actors to obtain internal political profits. Given this reality, various interest groups, political parties or states are constantly developing memory resources and incorporating historicizing strategies into their action repertories with the aim of 'recycling' representations of painful pasts for use in current political games.

These mobilizations run up against a tendency toward reconciliation that originates in civil society (e.g. informal groups or non-governmental organizations) and/or in national and international institutions that circulate 'good' (i.e. normative and normative-toned) models for pacifying resentments. All these arrangements work to produce legitimacy or non-legitimacy; in other words, to indicate what is 'good' or 'bad' for a nation in the international context. We hope to have made it clear here how memory studies would benefit from being included in recent changes in approaches to geopolitics and foreign policy, but the opposite is also true, and the many signs that memory games are being 'transnationalized' call for this adjustment. Memory-related phenomena are not a central issue in foreign policy, but they do have significant weight and are becoming an auxiliary component of it.

As for the EU, the change that took place in 2004 has only widened the gulf between West and East. Up against the proliferating use of conflictual symbolic pasts, the EU offers its model of peaceful coexistence among former enemies. But in seeking to absolutize peace through consensus, well-meaning European politicians have often simply deferred recollection of the conflicts in question by one or two generations. By integrating memory of the historical-political past into the routine canons of democracy, they have indeed limited or neutralized the risk that the violence of those heritages will return. But the problem with 'reconciliationism' – in Europe as elsewhere – is that everything seems to have been arranged to make it possible to get out of conflict impasses and construct democracy, but nothing has been put in place to prevent or soothe later competitive struggles. The two halves of Europe do not share the same memory referential, and they are caught up in discordant time frames. Despite right–right, left–left transnational party alliances, we are only at the beginning of a long adjustment process that is as likely to regress as it is to progress. For the time being, 'memory disunion' constitutes a challenge to EU construction, calling into question any excessive confidence in the virtue of political voluntarism.

In studying social memory-related developments in Europe, we need to look beyond the fundamental tendency to move toward reconciliation and consensus, a tendency that developed in response to

interethnic or interstate conflicts or authoritarian regimes related to the Second World War. It seems to us imperative to analyze the increasing number of dissensus games in countries engaged in constructing life after conflict. Experience shows that it is always possible to reactivate those conflicts, regardless of the various ways they were resolved in the past. Anyone wishing to push forward the construction of Europe and improve the way institutions handle post-conflict situations must reckon with all these phenomena, as they are constituent components of the axiological reality of European space. Until it is understood in Europe that the East's memory games have specific content linked to the Second World War and Sovietization, there can be no successful 'Europeanization' of the histories of Europeans. This book aims to contribute to that broader endeavor.

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